

United States
Circuit Court of Appeals²

For the Ninth Circuit.

Transcript of Record.
(IN TWO VOLUMES.)

CENTRAL CALIFORNIA CANNERIES COMPANY, a Corporation,
GRIFFIN & SKELLEY COMPANY, J. C. AINSLEY PACKING
COMPANY, ANDERSON-BARNGROVER MANUFACTURING
COMPANY, GOLDEN GATE PACKING COMPANY, J. F. PYLE
& SON, INCORPORATED, HUNT BROTHERS COMPANY, SUN-
LIT FRUIT COMPANY, a Corporation,

Appellants,

vs.

DUNKLEY COMPANY, a Corporation,

Appellee.

VOLUME II.
(Pages 449 to 928, Inclusive.)

Upon Appeals from the Southern Division of the United States
District Court for the Northern District of California,
Second Division.

Filed

JAN 22 1917

F. D. Monckton,
Clerk.

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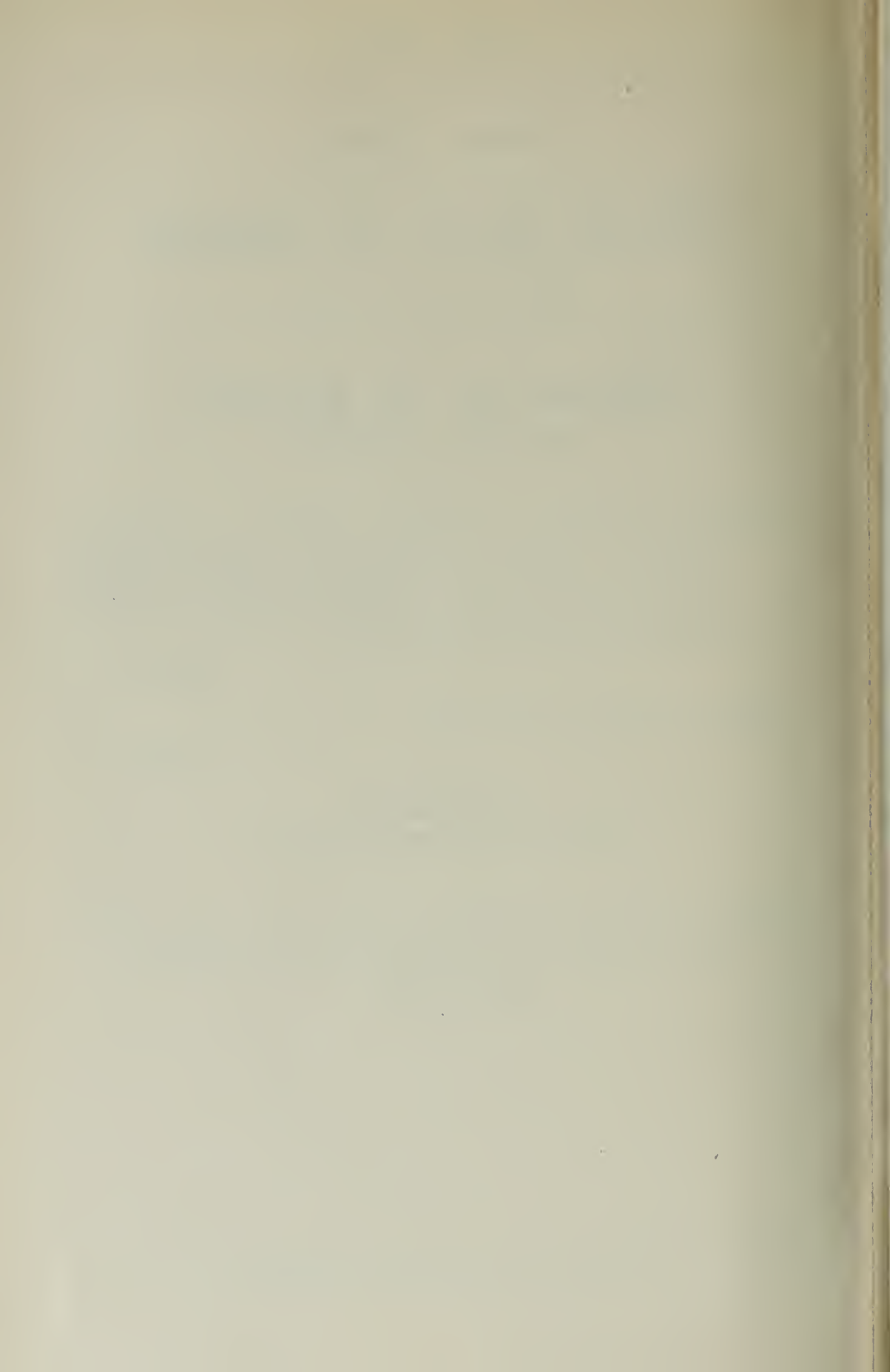
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(Testimony of Melville E. Dunkley.)

Q. On or about November 1, 1904, had you yet at that time built a cast-iron frame machine, an improvement on this first commercial machine?

The COURT.—The witness testified that the first machine, not only the experimental one but the first commercial machine I believe, had wooden standards.

Mr. WHITE.—Yes. Now, this is the third that I am referring to, the cast-iron frame machine?

A. I could not tell you just when those were built.

The COURT.—Q. Were they supplied by some local foundry, or from a distance, if you know?

A. I think they were supplied from a distance; I do not remember asking the details of those; I was at Hartford during those years, and back and forth.

Mr. WHITE.—Q. Prior to November 1, 1904, had the Dunkley Company built more than these first two machines to wit, the experimental model machine and the first commercial machine?

A. I could not say that they had.

Q. In the South Haven Cannery in 1903, was the room in the basement next to the boiler and engine-room used as a labelling room—that is, were labelling machines located in that room?

The COURT.—The room next to the boiler-room in the basement?

A. The labelling machines were portable.

Q. You mean they had no fixed situs in the building?

A. No fixed situs in the building.

Mr. WHITE.—Q. What was that room used for which was adjacent to the engine-room and boiler-room in the basement in 1903?

(Testimony of Melville E. Dunkley.)

A. Used for a number of things.

Q. What, for instance?

A. Which room do you refer to? [366]

The COURT.—Right next to the boiler-room in the basement.

A. There were two rooms.

Mr. WHITE.—Q. The room in which Mr. Dunkley, your father had an office partitioned off?

A. I don't remember that he ever had an office in the basement of that building.

Q. Do you remember a time-clock down there in that basement in 1903?

A. Yes, that was in the north wing, but Mr. Dunkley never had an office in that, to my knowledge.

Q. What was that room used for in which this time-clock was located?

A. It was used principally for storage of canned goods.

Q. Now, this first experimental model machine was built in that room which I have just referred to: is that correct?

A. It might have been; I could not say.

Q. Now, in that room was located an oil-stove: is that correct, in 1903? A. I could not tell.

Q. Now, in that room were a couple counter-shafts which had been used in 1902 in connection with the operation of some Norton Steamers: is that correct?

A. The Norton Steamers I think were set down there.

Q. In 1902 they were experimented with in that room: is that correct?

(Testimony of Melville E. Dunkley.)

A. I think it was in 1901 they were experimented with.

Q. In connection with the experiments with these Norton machines you made use of a counter-shaft located in that room: is that correct?

A. I should not wonder.

The COURT.—What were the Norton machines?

Mr. WHITE.—They were some steaming machines for sealing the tops on the cans.

Q. Now, in 1903 that counter-shaft located in that room was connected by a pulley on the engine in the boiler-room, the belt going through the wall between the two rooms: is that correct? [367]

A. That is too far back for me to remember these details.

Q. When this experimental model machine was first tested was it connected up with that shaft in that room? A. That I could not tell.

Q. Where did the water come from which was used in testing out that first model machine?

A. I should judge it came from the city water supply.

Q. Yes, but I mean its immediate source?

A. Some of the numerous openings that were in the factory.

Q. Isn't it a fact that the machine when first tested was connected up by a hose to a sink in the boiler and engine-room? A. Not to my memory.

Q. Now, when the first experimental model machine was tested was there any lye-tank used in connection with such test? A. No.

(Testimony of Melville E. Dunkley.)

Q. Now, isn't it a fact that when the second commercial machine was first commercially used it was necessary to tear out most of this peeling-table 80 or 90 feet long and put in its place this first commercial machine?

A. No. That peeling-table was not placed in position until after the peeling-machines had been in operation.

Q. Do you mean to say that this long peeling-table was not partly removed and this first commercial machine put in the place where it was?

A. We had no use for that long table until we got to running the peaches through the factory in a continuous run, and they came from the peelers, and in 1904 we put in the peach-pitting machines; they were pitted and then carried to the conveyor-table, inspected and filled.

Q. Now, Mr. Dunkley, I will show you the floor plan of your cannery, the plan of the main floor of your cannery, and ask you to state if the same is not a correct floor plan as that [368] cannery was in existence in 1903, with all the various devices which were located in that room, and correctly shown on this blue-print?

A. No, I will say that was about as it was in 1904; however, it is evidently a pencil sketch. It is about as it was built in 1904.

Q. Now, Mr. Dunkley, in 1904 was not most of this peeling-table removed and only a small part of it left there?

A. The peeling-table according to my best belief

(Testimony of Melville E. Dunkley.)

was not put in until 1904.

Mr. WHITE.—I will ask that this blue-print just handed to the witness be marked for identification main floor plan of Dunkley Cannery in 1903, Defendant's Exhibit "T."

(The plan is marked Defendant's Exhibit "T.")

Q. At any time was a portion of this peeling-table removed and a peeling-machine located in the place formerly occupied by it?

A. The table might have been changed. I don't remember of any time that it was moved to make way for a peeling-machine; the proportion of the drawing here is not wide however; it has been grouped together to a considerable extent.

The COURT.—Q. You mean the building?

A. This wing is, the building; it should show more room at this end.

Q. Is it drawn to a scale?

A. I could not tell; I did not make the drawing.

The COURT.—What is the assurance of any accuracy about this? Who drew it?

Mr. WHITE.—If your Honor please, it is simply a sketch; I am not inquiring as to the correctness of it.

The COURT.—If it is not drawn to scale so as to show the relative space, it is a confusing thing.

Mr. WHITE.—I am simply asking the witness to say what was [369] wrong about it; I am testing his memory of the facts.

Q. How long was this peeling-table?

(Testimony of Melville E. Dunkley.)

A. It was not a peeling-table, it was an inspection-table.

The COURT.—The witness has stated that twice, that it was not a peeling-table as you have described it, but it was placed there in 1904 and had an endless conveyer on it and was for inspection purposes. He said no peaches were ever peeled on it.

Mr. WHITE.—Q. Then there was never located on this table the Scott machines for peeling peaches?

A. Not to my knowledge.

Q. You used that type of machinery in your factory, did you, for peeling peaches?

A. In the early days—yes.

Q. Where did the peaches come from which passed under this peeling-table?

A. They came from the pitting machines.

Q. At the time of this first test of the model machine, did you find any difficulty with one of the brushes, with one of the rotary brushes?

A. I don't remember of any.

Q. Just to refresh your memory don't you remember that the spiral brush did not have enough bristles on it at the time of that test?

A. I do not think we had a spirally built brush at the test; those brushes were very crude brushes; I do not remember of any spiral brush in the first machine.

Q. You do not remember then with this first test because of there not being sufficient bristles in one of these rotary brushes that a piece of toweling was

(Testimony of Melville E. Dunkley.)

used and wrapped around the wooden portion of the brush?

A. It might have been; we did a number of things with that first machine in testing it out.

Q. Now, I hand you another blue-print and ask you to state whether or not the same correctly shows the location of this [370] first commercial machine after it had been installed for commercial use in connection with that portion of the table which was left there and in connection with these pitters that you have heretofore referred to?

A. These were the pitters that were put in in 1904, and were set to one side; they were not in line with any peeling-machine, they were set at one side for trial; these machines were built at Kalamazoo by Mr. Stewart Campbell and were a distinct failure; I very distinctly remember the trial of these machines, because I nearly lost two fingers in them.

The COURT.—Q. What do you call them?

A. Peach-pitting machines they were supposed to be; they were set to one side of the line at South Haven and carried only a few days; I caught my fingers in them, and it is very vivid in my mind Mr. Campbell did not stay in Kalamazoo to finish those machines, as some tests that he made on them were disappointing and he left suddenly for parts unknown.

Q. This Mr. Campbell that you saw last month in Kalamazoo: is that correct?

A. I met him in the early days.

Mr. WHITE.—I ask that that blue-print be

(Testimony of Melville E. Dunkley.)

marked for identification, section of peeling-table in combination with peach-peeler, Defendant's Exhibit "U."

(Defendant's Exhibit "U," section of peeling-table in combination with peach-peeler" marked for identification.)

Q. When did Mr. Campbell enter your employ?

A. That I could not tell.

Q. When did he leave it? A. In 1904.

Q. He left it a few days after the beginning of the peach season in 1904; is that correct?

A. I think he left before the peach season of 1904.

Q. Wasn't he there at a test of this first commercial machine [371] at the beginning of the 1904 peach season?

A. The test of this first commercial machine was made in 1903, and Mr. Stewart Campbell had very little to do with the peach-peeling machines; he was employed by us to develop in the first place a filler or syruping-machine at Kalamazoo. That was a distinct failure; from that he went on to the so-called peach-pitters which are supposed to be illustrated here, but which were never used; the peach-pitters which I mentioned before were the pitters invented and patented by my father.

Q. Mr. Campbell also worked on the cookers during the years 1902 and 3, did he?

A. As a workman he might have worked on any of those different things.

Q. What were Mr. Campbell's duties during the time he was in your company's employ?

(Testimony of Melville E. Dunkley.)

A. He was employed primarily to develop the syruping-machine, and this peach-pitter, of which he had given some idea that he could build a machine capable of pitting peaches, he was known as more or less of a genius and was a brother of a family friend.

Q. He was really employed during those years to originate and invent new devices of machines in your cannery; is that correct?

A. Just the special two; he had the idea before he came with us, we understood from him, from others.

Q. Were there any other machinists employed during the years 1902, 1903 and 1904, regularly employed by your company at South Haven and whose duties were those of machinists other than Mr. Campbell?

A. We had a number of men whose duties were more or less along machine lines.

Q. I mean whose duty bore along machine lines, not more or less.

A. No, I do not think we had anybody whose duties were purely on machine lines. [372]

Q. Then Mr. Campbell was really the machinist employed by the cannery during those years; is that correct?

A. I think Mr. Campbell was a very poor machinist—Mr. Campbell was not employed as a machinist.

Q. Now, did Mr. Campbell build that first model machine? A. To which do you refer?

Q. The first experimental model machine?

A. He might have, but I could not say; I am of

(Testimony of Melville E. Dunkley.)

the opinion that Mr. Campbell had nothing to do with that machine whatsoever; in fact, I think that machine was built before Mr. Campbell came with us.

Q. Did Mr. Campbell make the drawings for the lye-tank for the first commercial machine?

A. No, I do not think there were any drawings made—for the first commercial machine?

Q. Yes. A. He might have.

Q. When you went to the Clark Engine & Boiler Company Works to look for this original entry regarding that tank, did they show you a document which indicated that a sketch had been recently attached to these documents? A. No.

Q. Do you remember a trip that Mr. Campbell made to Boston, Massachusetts in the month of December, 1903? A. No.

Q. You do not remember then about his going to the Boston Gear Company in that month to get gears for one of these peach-peeling machines? A. No.

Q. Do you remember who went to Chicago to get brushes for this first experimental model machine?

A. No.

Q. Do you know whether or not your father went there for that purpose?

A. My father attended to very few of these details; I could not tell.

Q. Then, so far as you know, Mr. Campbell might have gone to Riddeford Brothers of Chicago to get the brushes for that [373] first experimental model machine; is that correct?

A. I do not think Mr. Campbell was there when

(Testimony of Melville E. Dunkley.)

that first experimental model machine was built, and I do not think there was any organized brushes purchased from anyone at that time. It was more or less of a patched-up affair in the factory; the brushes might however, have been ordered for that machine later.

Q. Now, at the first test of this experimental model machine, did Mr. Bruner mix the solution, the lye solution?

A. No, I think not; Mr. Bruner had nothing to do with that whatsoever.

Q. Mr. Bruner, then, at no time made any experiments with lye solution of different strength at the request of your father?

A. Not that I remember, no.

Q. Was Mr. Bruner present at the test of this first model machine?

A. Not that I remember, no.

Q. Did you testify in this interference that possibly he was there as well as Mr. Campbell and Mr. Brown?

A. Generally as to the men who were at work for us at that time; any of them could have been there; he might not have been.

Q. Your present recollection is then that possibly Mr. Bruner was present at the first test of this first model machine; is that correct?

A. If Mr. Bruner was at the factory during those years he might have been present.

Q. Did the Dunkley Canning Company ever have any work done by E. B. Mapes of South Haven?

(Testimony of Melville E. Dunkley.)

A. Very little.

Q. Did E. B. Mapes of South Haven make the friction gears for this first experimental model machine? A. Not that I can remember. [374]

Q. You don't remember whether friction-gears were used in that machine or not?

A. They tried a number of different arrangements on that machine from time to time as it was tried out; I could not remember as to the details on it.

Q. Where were the castings made for the first iron frame for the peach-peeling machine?

A. I do not remember.

The COURT.—I asked him that myself and he gave the same answer.

Mr. WHITE.—Q. Did the Kalamazoo Machine & Tool Company during the months of January, February and March of 1904 make any parts for a peach-peeling machine being built by the Dunkley Company at that time?

A. They might have; they did work for us for years.

Q. Do you know Mr. William Decker of Kalamazoo? A. Yes.

Q. He was the owner of that machine company I mentioned; is that correct?

A. He might have been; I could not tell; I never inquired; he was the man in charge.

Q. On March 11, 1904, do you know what work you had Mr. Decker do for which he charged your company \$1.80?

A. No, I would be absolutely unable to tell any of

(Testimony of Melville E. Dunkley.)

these details as to that, because Mr. Decker and the Kalamazoo Machine & Tool Company have done work for us off and on for years.

Q. Do you know whether during the month of March, 1904, Mr. Decker was doing any work for your company in connection with peach-peeling machines?

A. Mr. Decker has done work as I say, for us, at possibly any time; I could not figure any details of any of that.

Q. Did the Clark Engine & Boiler Company deliver to your factory in Kalamazoo about January 30, 1904, a tank, a lye-tank?

A. That I could not remember.

Q. Don't you know when that tank was delivered at your factory in [375] Kalamazoo about that time that you and someone else attached the legs to it and set it up in that factory; do you remember that incident? A. No.

Q. Don't you remember after having attached the legs to it and setting it up there at the factory in Kalamazoo that then the legs were detached and the tank was shipped down to South Haven to be used there in connection with a peach-peeling machine?

A. No.

Mr. WHITE.—That is all.

Redirect Examination.

Mr. CHAPPELL.—Q. Will you please state to what extent the Dunkley Company has been engaged in the manufacture of machinery of various kinds during this period indicated?

(Testimony of Melville E. Dunkley.)

Mr. LYON.—Objected to as not redirect examination and immaterial.

The COURT.—The objection will be overruled. I think it is proper.

A. Which period?

The COURT.—Q. That has been covered by your examination?

A. We built practically no machinery excepting that for our own use, with the exception of those that were shipped to California in 1905.

Mr. CHAPPELL.—Q. You have referred to peach-pitting machinery; state what was done about that by the Dunkley Company at any time?

A. In 1904 during the summer the peach-pitting machines that Mr. Campbell was then building were carried out at different times during the progress of his machine, and we rebuilt a number of times during the months of July and August until it was very apparent that they would not do the work, and Mr. S. J. Dunkley then put on some machines that he had been working on in Kalamazoo for pitting peaches, and got a patent on them. [376]

Q. To what extent were other machines requiring pulleys, chains and the like being made during this period?

A. We were building machinery and changing over as all canneries I believe do, buying supplies of that kind constantly.

Q. Were any other inventions ever patented at the same time as the peach-peeling invention?

A. Mr. S. J. Dunkley had taken out a number of

(Testimony of Melville E. Dunkley.)

patents at that time and previous to that on different arrangements for different machines and arrangements for canning factories, for use in fruit handling.

Q. A frame of a machine has just been brought in. Are you able to identify that in connection with your testimony?

A. That is the frame of the first machine which was built.

The COURT.—Q. This first experimental machine you mean? A. Yes.

Mr. CHAPPELL.—Q. You referred to a document this morning as assisting your recollection about the making of a tank; have you been able to find that?

A. Yes; the letter from the Clark Engine & Boiler Company—

Mr. LYON.—We object to the witness stating what this document is until the foundation has been laid.

The COURT.—It is not going to hurt anybody. Let me hear what it is. We have no jury. He has not offered it yet.

A. This is a letter which I found regarding what we supposed, what we thought was an overcharge on the first experimental tank which was built for us, or of which the shell was built early in 1903.

The COURT.—Let him see the letter if you want to offer it in evidence.

Mr. CHAPPELL.—Q. In what way does this letter refresh your recollection?

(Testimony of Melville E. Dunkley.)

A. I remember regarding the inquiry that came to me as to why this shell of the tank should cost so much from the office at Kalamazoo; the labor put upon it we supposed was much more than should have been put upon the tank.

The COURT.—Q. What tank was that, the first experimental tank? A. Yes.

Q. On the first commercial one?

A. It was used commercially, the tank, and this machine to a small extent in 1903. [377]

Q. Yes, I know, but you are speaking now of the tank that was procured in connection with this first experimental apparatus? A. Yes.

Mr. CHAPPELL.—Q. What time does this letter fix in your mind as the date of that transaction?

Mr. LYON.—That is objected to on the ground that it is incompetent, no foundation for the introduction or the use of this as a memorandum to refresh his recollection, nothing on the face of it to identify it or to prove its genuineness, or what kind of a tank is referred to, or anything else in there.

The COURT.—You can ask him what the date was according to the best of his recollection, that he has of this transaction.

Mr. CHAPPELL.—Q. What is the date of this transaction to which you have referred, to the best of your recollection? A. In April, 1903.

Q. Your attention was called to a statement that you had made with reference to a photograph in the interference proceedings.

(Testimony of Melville E. Dunkley.)

The COURT.—Of this first experimental frame work.

Mr. CHAPPELL.—Yes. Have you got the reference to that, Mr. White?

Mr. WHITE.—It is Exhibit “R.”

The COURT.—The photograph of that framework.

Mr. CHAPPELL.—Where you made the statement that the machine was made in the season of 1903.

A. The machine was not completed until the season of 1903, and until my memory was refreshed with the letter from the Clark Engine & Boiler Company, I was not sure in my mind whether the machine was finished in 1902 or 1903. However, after reading the letter, I remember the incident, and knew the machine was finished, the machine of which that is the frame was finished before the tank, the scalding-tank, [378] was made.

Mr. CHAPPELL.—Q. And the machine was completed with the lye device before this scalding-tank in any way—

Mr. LYON.—That is objected to as leading.

The COURT.—Yes, I think it is.

Mr. CHAPPELL.—The question is withdrawn.

Q. State the circumstances of the completion of the machine with the lye-tank and all parts.

Mr. WHITE.—Objected to as not proper redirect examination.

The COURT.—The objection is overruled; answer the question.

(Testimony of Melville E. Dunkley.)

A. The machine, after the lye-tank was set up, was hooked up together and set up at South Haven and more or less fruit was run through the complete machine during the season of 1903.

Mr. CHAPPELL.—Q. Was there a complete machine at any time in 1902, when the lye-tank was taken into consideration?

Mr. LYON.—That is objected to as leading.

A. No.

Mr. LYON.—That has been fully gone over.

The COURT.—Yes, he has already stated that while they had an experimental machine, that it was not fully connected up as a lye-machine until 1903.

Mr. CHAPPELL.—That is just what I wanted to bring out clearly.

The COURT.—They made experimental use of it during the fall of 1902, as far as the apparatus was connected up.

Mr. CHAPPELL.—The letter produced by the witness, it is desired offered in evidence as a means of refreshing the recollection of the witness, with the request that it be marked.

The COURT.—He has not testified anything about how this letter was received by him, or anything.

Mr. LYON.—It is objected to as incompetent, no foundation [379] laid, immaterial, irrelevant and incompetent, and inadmissible for any purpose.

Mr. CHAPPELL.—Q. Please state the circumstances under which this letter came into your possession?

A. This letter was found in the old files of the

(Testimony of Melville E. Dunkley.)

Dunkley Company recently.

The COURT.—At Kalamazoo?

A. At Kalamazoo, yes.

Q. (Mr. CHAPPELL.) Did you find it, or how was it unearthed?

A. I did not find it, no; I don't know who found it, but it was taken from the files when they were making a search of the files for other letters.

The COURT.—How do you identify in your mind now the connection of this letter with the particular tank to which you have referred to it as applying? Had you not had other tanks in your business before that experimental tank?

A. Yes, but that letter referred to a specific invoice of which I procured a copy.

Q. How does it refer to any invoice?

A. It says, "In reply to your favor of the 21st we regret that there should be any disappointment in the cost of the tank." The invoice was dated the 20th, and should have been delivered in the office on the 21st; the thing came very clear in my mind that I could not see how they could put that amount of labor into the little work that should have been done on the tank.

Q. Does this invoice refer to this experimental tank? A. Yes.

Q. \$50.84? A. Yes.

The COURT.—In connection with that invoice, I am perfectly willing to let it go in.

Mr. LYON.—We object on the ground that the invoice produced [380] by the witness is incompe-

(Testimony of Melville E. Dunkley.)

tent, no foundation laid; it is not the original, not shown to be a true copy.

The COURT.—What is that photographic copy of the invoice? Where is that invoice from?

A. That is a photographic copy of the letter-press copy of the invoice.

Mr. LYON.—Q. Not from the records of the Dunkley Company at all?

A. From the records of the Clark Engine & Boiler Company.

Mr. LYON.—We object to it on the ground it is incompetent, no foundation laid, and fragmentary; we are entitled to the records.

The COURT.—Let me see that invoice again. Is it addressed to the Dunkley Company?

Mr. LYON.—Yes; there is no foundation laid, nothing here to prove it was a true invoice of that date.

The COURT.—The letter may be admitted in connection with the witness' statement without the invoice.

Mr. LYON.—Note an exception.

(The letter is marked Plaintiff's Exhibit 8.)

Recross-examination.

Mr. WHITE.—Q. Mr. Dunkley, will you please describe in detail that experimental tank?

A. That experimental tank, the first one was made in boat fashion; the tank itself was made from boiler steel or sheet steel, I don't remember just what thickness; it was rather heavier than necessary, and the conveyor which went through it, I think in the

(Testimony of Melville E. Dunkley.)

first machine was a simple chain-conveyor; we afterwards changed it to use a roller-chain; the chain was held down; in other words, the track was depressed so as to carry the flights with which the chain was connected through the caustic soda; this track, depressed track, was [381] made from a piece of channel iron, I should say about two-inch channel iron, perhaps not as heavy as that.

The COURT.—Q. That was inside of the tank?

A. Yes, as an inside way; over this by studs which were attached to the top of this channel iron were covers which held the peaches themselves under the solution made of, I think, ordinary black iron; they had handles on so that we could remove them readily for cleaning the tank; this tank was heated.

Q. So that the peaches could not float up over the chain-way? A. Yes.

Mr. WHITE.—Q. Is that a good description of the tank that was used with your first commercial machine?

A. Yes; the balance of them varied slightly from that; we subsequently put pockets in the lower end, to catch any accumulation that might collect in there.

Q. Please describe the manner in which these two machines were used during the 1903 peach season, the experimental model when used commercially, and the first commercial machine.

A. The experimental machine was in two or three different places; it was set up early and moved two or three times; the other machine which was built was set in the eastern end of the main factory, the

(Testimony of Melville E. Dunkley.)

east wing of the factory.

The COURT.—The commercial machine?

A. Yes.

Mr. WHITE.—That is all.

**Testimony of Mark E. Fontana, for Plaintiff (in
Rebuttal).**

MARK E. FONTANA, called for the plaintiff in rebuttal, sworn.

Mr. CHAPPELL.—Q. Give your age, residence and occupation.

A. 34; 1369 Vallejo Street, San Francisco; division superintendent, California Fruit Canners Association. [382]

Q. Please state whether or not you are familiar with the plant of the California Fruit Canners Association at Fresno, California? A. I was.

Q. When were you familiar with that plant?

A. In the seasons of 1904, 1905 and 1906.

Q. Please state the circumstances under which you became familiar with that plant?

A. I was sent down there in the latter part of February, to assume charge of the factory.

Q. February of what year?

A. 1904, to assume charge of the factory, and I knew pretty well what it had in it.

Q. Had you ever been there before that date?

A. I had been there in the summer of 1903.

Q. Who was superintendent at that time?

A. A man by the name of Monte.

The COURT.—Q. You took charge in February, 1904? A. 1904.

(Testimony of Mark E. Fontana.)

Mr. CHAPPELL.—Q. Please state what you found there as a peach-peeling machine at that time.

A. Something very similar to what I see in front of me now.

Q. Will you please describe in your own language what it was?

A. There was a conveying-belt where women would split the fruit, and the belt went into a scalding or grasshopper, as we then called it, with a solution for peeling peaches, or to loosen the skin; from there it dropped into two tanks of water, and it was conveyed from those two tanks into what we called a brush-machine, which looked very much like the machine in front of me now.

Q. That is a pair of brushes?

A. A pair of brushes, and a small belt to assist the peaches through these brushes.

Q. What was the water supply to this machine, and how many pipes did it comprise?

A. There were two pipes through the machine—there were either three or four brushes, there were two belts, [383] and there was a pipe, that is between each of those two brushes.

The COURT.—There was a double installation?

A. There must have been a double installation, and there were very small perforations in these pipes; the pipe must have been about $\frac{5}{8}$ ths or $\frac{3}{4}$ ths of an inch pipe.

Mr. CHAPPELL.—Q. What did you do about the water pipes when you went there, if anything?

A. Well, I had heard that the water supply at

(Testimony of Mark E. Fontana.)

Fresno was inefficient, and I then took measures to see that we increased our water supply, and our main line that came in off the service from the street was a 2-inch line, which ran the whole factory, so that I made arrangements with the water company to put in a 4-inch line; when they dug down into the street they found that instead of having a service cock of 2 inches it was a service cock of $1\frac{3}{4}$ inches running into a 2-inch line; that had been the cause of not getting a 2-inch stream of water.

Q. What did you do about the pipes about the machine, if anything?

Mr. LYON.—That is leading and suggestive, and assuming a fact not testified to by the witness.

The COURT.—Q. Did you do anything with reference to the pipes about the machine, is the better term. A. I did.

Q. What was it?

A. In all the conveyors that went through these tanks, that the peaches dropped through, and on the small chutes that ran from the elevator that would drop the fruit down into these brush machines, we put small spray-pipes; in other words, wherever the fruit came out above the water, we put pipes in so that the water would play directly on the fruit.

Q. In its progress? A. In its progress.

Mr. CHAPPELL.—Q. Had you any acquaintance with Mr. Monte [384] previous to that time?

A. I had.

Q. Where had you seen him?

A. Mr. Monte and I were associated together in

(Testimony of Mark E. Fontana.)

San Francisco in 1900 and 1901, and in the summer of—it must have been sometime the first part of July in 1903, when I was at Hanford, Mr. Monte paid us a visit from Fresno, and the superintendent there at that time was showing Monte what could be done with the water on the tanking of the loose skin off of the fruit; he had done it in a kind of a crude way; as the fruit would come up in these conveyors out of the tanks of water he would get the hose and kind of put his finger over the end of it, so as to make a spray; he was playing that greatly on the fruit, and you would see the skin fly off.

Q. Who was that man that did this demonstrating?

A. The superintendent of the Hanford factory.

Q. Who was he? A. Mr. Beekhuis.

Q. Do you know his full name?

A. His initials, I believe, were H. A.

Q. This occurred in what year? A. In 1903.

Q. When did you first see the machines with the sprays in in Fresno? A. 1904.

Q. Did you do or have anything done further than putting in the 4-inch pipe at Fresno?

A. Yes, I had a pump put in there; I had a pump to give us pressure through the pipes going through the sprays, along the line.

Q. Did you find any pump there when you went there? A. Yes.

The COURT.—Q. Attached to the line?

A. Attached to the line, yes.

(Testimony of Mark E. Fontana.)

Q. Then you did not put it in, or did you have a new one put in?

A. We had a new one; this was a pump taking care of the 2-inch line; they had that down taking in the water to the boiler-room [385] and all of it; they were not getting enough water; when I put in the 4-inch line, I just put the pump up for the peeling system, and nothing else; instead of to suck the water from the main, it was to force it through the sprays.

Q. The 4-inch installation gave you sufficient for your boiler-room without the pump, did it?

A. Yes, we had water galore.

Q. Were you in the Fresno plant in 1902, at any time?

A. I was in the Fresno factory in 1902, I think, in the Spring; it must have been probably the first part of February.

Q. What time in 1903 were you there?

A. That must have been before we started at Hanford, probably in the month of—I could not just say; I know it was before we started at Hanford, which was around the first part of July.

Q. When you were at the Fresno plant in 1903, were they in operation—was it in the fruit season?

A. No, they had not operated.

Q. I understood you to say when you went there you found a machine similar to that. Was that in 1903 or when you went there in 1904? A. 1904.

Q. Did you see an installation such as that in 1903? A. I did.

(Testimony of Mark E. Fontana.)

Q. In the Fresno plant? A. I did.

Q. But they were not using it? A. No.

Mr. LYON.—No cross-examination.

(An adjournment was here taken until Tuesday, April 4, 1916, at ten A. M.)

[Endorsed]: Filed Oct. 10, 1916. W. B. Maling, Clerk. By J. A. Schaertzer, Deputy Clerk. [386]

In the District Court of the United States, for the Northern District of California, Second Division.

Before Hon. W. C. VAN FLEET, Judge.

IN EQUITY—No. 201.

DUNKLEY COMPANY

vs.

CENTRAL CALIFORNIA CANNERIES.

Tuesday, April 4, 1916.

Counsel Appearing:

For the Plaintiff: FREDERICK L. CHAPPELL, Esq., JOHN H. MILLER, Esq.

For the Defendants: FREDERICK S. LYON, Esq., WILLIAM K. WHITE, Esq., KEMPER B. CAMPBELL, Esq.

Testimony of S. J. Dunkley, for Plaintiff (in Rebuttal).

S. J. DUNKLEY, called for the plaintiff in rebuttal, sworn.

Mr. CHAPPELL.—Q. Please state your age, residence and occupation?

(Testimony of S. J. Dunkley.)

A. 54; Kalamazoo, Michigan; manufacturer,

Q. Are you the Samuel J. Dunkley who is named as patentee of the patent in suit? A. I am.

Q. Have you taken other patents relating to the canning art? A. Yes, a great many of them.

Q. Will you kindly enumerate those patents so that we can see their dates, and give the date on which you applied for the same?

A. I applied for a trademark for celery goods and so forth in 1898, April 6th, and it was registered April 18, 1899; that is, for canned celery and all kinds of vegetables. I applied for a patent on a jar, fruit jar, March 30, 1900, and it was issued April 30, 1901; the number is 673,048. I also applied for a patent on a fruit jar or can, [387] application filed November 2, 1897, and it was issued September 20, 1898, No. 810,897. I applied for a basket cover for shipping fruit from the South Haven factory, May 20, 1901; it was issued September 17, 1901, No. 35,098; that is a design patent. I applied for another jar patent March 13, 1901, which was issued—

The COURT.—What patent was that?

A. Fruit jar; it was issued February 24, 1903, No. 21,166. Another fruit basket for shipping soft fruit, application filed May 20, 1901, issued March 31, 1903, No. 724,130. I applied for a canning machine or apparatus, application filed May 12, 1902, patent January 10, 1905, No. 779,537. I applied for a patent for peach splitting and pitting machine, application filed November 29, 1904, patent July 11, 1905, No. 794,598. I applied for an automatic processing or

(Testimony of S. J. Dunkley.)

cook and cooling machine for canned fruit, application filed May 12, 1902. Patent November 28, 1905, No. 805,844. I applied for a patent on a machine or apparatus for automatically processing or cooking and cooling canned fruit, December 1, 1904, patent November 28, 1905, No. 805,845. I applied for a peach splitting and pitting-machine, application filed February 27, 1905, patent, May 11, 1909, No. 921,523. I applied for a cherry pitting-machine, application filed November 29, 1904, patent November 1, 1910, No. 974,759. I applied for a machine for peeling peaches and other fruit, application filed November 29, 1904, patent July 21, 1914, No. 1,104,175.

Q. That is the patent in suit?

A. That is the patent in suit.

Mr. CHAPPELL.—The patents other than the patent in suit are offered in evidence with the request that they be marked “Plaintiff’s Exhibit 9, Dunkley Canning Patents.”

(The documents are marked “Plaintiff’s Exhibit 9, Dunkley Canning Patents.”) [388]

Q. Please state the circumstances of your development of your invention of the patent in suit so far as the invention appears recited in claims 1 to 5, 14 and 19 to 26, inclusive?

A. I started canning in the late 80’s and built a factory in Kalamazoo in 1895, and at that time we were shipping fruit or peaches from South Haven, Michigan; that was the center of the Michigan fruit belt and was 38 miles from Kalamazoo, and we shipped them down over night and canned them the

(Testimony of S. J. Dunkley.)

next day. A delegation came down and wanted me to come down and put up a factory, and I told them I would if they would give me a building, so they donated me some money, I think under \$2,000, and I went down there—

Q. —Went down where?

A. I went down to South Haven and built a small factory on the Michigan Central Railroad; that was built in 1896 or 1897; we canned all in glass at that time; and my processes of putting up things were very fine, attracted the attention of the Norton Brothers, that we bought our cans from, because when I first started I bought 10,000 cans a year from them, and in about 1900 I was using close to 1,000,000 cans a year, so they came over to Kalamazoo and looked me up and finally bought into my business; we increased the business, made the capital stock \$250,000, and they wanted me to extend as much as possible; so a new corporation was formed in 1901, and then for the first time I had plenty of money to develop and I commenced to make these labor saving machines; we had a great deal of trouble to get help, the peaches used to spoil from Saturday over Sunday to Monday, and it bothered me quite a bit, so along in September, 1901, it occurred to me that caustic soda might possibly be used in peeling peaches.

The COURT.—Q. 1901, you say?

A. 1901, yes. And I got some of Babbitt's Powdered Lime in tin boxes, bought it at the [389] drug store in South Haven and made some experi-

(Testimony of S. J. Dunkley.)

ments at the factory; I found that it would take the skin off, and I made some more experiments in my experiment kitchen in Kalamazoo; then I was very busy, we were building; the next, I called the attention of my son to it, when we were getting ready, because we had more salesmen on the road that year, and we had sold a lot of goods, and I didn't know where we were going to get the goods, put them up, we had built a dormitory that would take care of 150 girls; it was hard work to get the help, so it was brought to our attention that we would not be able to fill our orders, in referring to orders I mean the peaches, because that was the peach country; so in August, 1892, I think it was, I told my son—

Mr. CHAPPELL.—Q. You do not mean 1892?

A. August, 1902, I told my son about the matter and we made some experiments and concluded it would be worth while to build a little experimenting machine and try it out; so I gave him the instructions and then the machine was finished and hooked up and we tried it; I put up some canned goods, a few cases and the next spring was satisfied that it was all right and then we went ahead and built the apparatus which is practically the same as at the present time.

The COURT.—Q. The next spring, what year would that be?

A. 1903. In July, 1903, the apparatus was completed and tried out—about July 15, that is, when the southern peaches got up.

(Testimony of S. J. Dunkley.)

Mr. CHAPPELL.—Q. What month was that complete apparatus tried out of what year?

A. July 15, 1903.

Q. Do you know what became of the machine that was then tried out? A. You are referring to 1903?

Q. The machine or any part of it that was used in July, 1903? [390]

A. That was kept there in the factory; we did not use it very much because we kept building larger and better ones.

Q. Any part of that machine now in existence?

A. Yes.

Q. What part and where is it?

A. The standards that hold the bearings of the first roller brushes that run by the water-pipe—that is the machine over there.

Q. The machine in the courtroom?

The COURT.—Exhibit what?

Mr. MILLER.—It has not been offered in evidence; we had better offer it in evidence.

Mr. CHAPPELL.—The machine identified by the witness is offered in evidence with the request that it be marked "Plaintiff's Exhibit 10."

(The machine is marked "Plaintiff's Exhibit 10.")

Q. Please indicate briefly the extent to which you gave attention to the details of the manufacture of that machine?

A. I did not give very close attention to the details because I was a very busy man at those times and I would generally tell different ones that I had work-

(Testimony of S. J. Dunkley.)

ing for me, give my ideas and tell them to carry them out; we had between two and 300 working for us at that time, besides the boat's line that I looked after.

Q. What was the boat line to which you refer?

A. When the Nortons bought in with me they wanted me to increase so as to do ten or 15,000,000 cans there at South Haven and the freight rates were too high, so they said they would buy a steamboat and carry our goods across to Chicago where we could get better rates, so I bought the steamer "Petaski"; just about the time the company was formed I bought her in Green Bay, Wisconsin.

The COURT.—Q. What is the name?

A. "Petaskie"—named after a [391] town in northern Michigan. We put that boat line there; there was another line on called the Williams line and they would not give us any rates, they were very high; that was the reason we came to do that; we built big docks there at South Haven and went into the steamboat business generally paring our own fruit and anything else that was offered, but we lost \$14,000 on the boat end of it that year, so I thought the best thing I could do was to consolidate, so I went to Mr. Williams and I consolidated the two lines, and it was called the Dunkley-Williams line in 1902, and we then had four boats on the line; I was President were called the "Petaskie," the "Kalamazoo," "Williams" and "Glenn." Then in 1902 very heavy competition developed and I heard

(Testimony of S. J. Dunkley.)

of another line coming in and I took steps to ascertain and found out they were building a large boat, a large steel boat, so I called my directors in and I think it was in September or October, 1902, and got up the plans for a boat to compete with them; I heard within a few weeks then that the steamer "Eastland" was ordered built by this other company, and we immediately got our directors together and placed orders for the steamer "City of South Haven."

The COURT.—What is the materiality of all this?

Mr. CHAPPELL.—To show Mr. Dunkley's engagements and to what he was obliged to give attention to at the time of the development of this invention.

The COURT.—What bearing has that I am not familiar with it.

Mr. CHAPPELL.—It has a bearing as to showing—

The COURT.—Due expedition or what?

Mr. CHAPPELL.—Due expedition, and that he was giving to this matter such attention as might be expected under all the circumstances. [392]

The COURT.—I would only touch upon it in a general way.

Mr. CHAPPELL.—We are through with it, if your Honor please; you may cross-examine.

Cross-examination.

Mr. WHITE.—Q. What machine was tried out in July, 1903, this first experimental model "Plaintiff's Exhibit No. 10" or a commercial machine built prior to July, 1903? A. Both of them.

(Testimony of S. J. Dunkley.)

Q. Then I understand you to mean that prior to July, 1903, two machines had been built by you, this "Plaintiff's Exhibit No. 10" and a commercial machine; is that correct?

A. This was built in 1902 and then if we tried it out on July 15, 1903, why it was probably built a little before that.

Q. What I am asking you is, prior to July of 1903, was there a commercial machine built besides this experimental model "Plaintiff's Exhibit 10"?

A. I don't get your question as to commercial machine; we built the machine to peel peaches.

Q. Prior to July, 1903, was there any peach-peeling machine built by you other than "Plaintiff's Exhibit No. 10"?

The COURT.—Q. Was there any machine prior to July 1st, 1903, built by you for these purposes other than the one a portion of which you have identified as being in court?

A. About that time we had two machines.

Mr. WHITE.—Q. When did you have that second machine built?

A. I could not say; sometime—getting ready for the peach season.

Q. Can't you name the month when that second machine was completed?

A. No, I could not exactly.

Q. About when in 1903?

A. I could not tell you exactly on that.

Q. Prior to September 1, 1903, was this commercial machine completed?

(Testimony of S. J. Dunkley.)

A. Prior to what? [393]

Q. Prior to September 1, 1903?

A. It might have been built in July, when the peach season was on we were running.

Q. Then this commercial machine, the second machine built was completed prior to the commencement of the peach season in 1903; is that correct?

A. My memory is not good enough to tell you just exactly; I know we had the machines there.

Q. During the peach season of 1903 were you using commercially both this experimental model "Plaintiff's Exhibit 10" and another peach-peeling machine of the same type?

A. We had a one-line machine and two-line machine.

The COURT.—Q. During that year?

A. Yes, during that year; we kept building right along; there was not any six weeks during the time that we did not make some changes there and go along; that is the reason I could not specifically state.

Mr. WHITE.—Q. That two-line machine then was operated commercially during the peach season of 1903, in the Dunkley Cannery at South Haven; is that correct?

A. I was going to say it would be a one-line and three-line; that is what my memory is; it is afterwards changed to a two-line.

Q. Was that three-line machine used commercially in the Dunkley Cannery for peeling peaches in 1903?

A. I am quite sure it was.

The COURT.—What you mean by commercially

(Testimony of S. J. Dunkley.)

is preparing peaches for the market?

Mr. WHITE.—Yes.

The COURT.—Instead of experimental work.

Mr. WHITE.—In interference No. 30,610, between yourself and H. A. Beekhuis, did you, on February 15, 1910, make the following answers to the following questions propounded to you by Mr. F. L. Chappell, your attorney, to wit: [394]

“Q. 3. I call your attention to the counts in this interference, numbered 3, 4, 5 and 6, which are in the following language:

‘3. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit, including a support for the fruit, means for effecting a change of position of the fruit on said support, and means for directing peeling water-jets upon said fruit.

‘4. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing a peeling water-jet upon said fruit as it advances.

‘5. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing peeling jets of water at intervals upon said fruit as it advances.

‘6. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing peeling jets of water at inter-

(Testimony of S. J. Dunkley.)

vals upon said fruit from above and below as it advances.'

—and ask you to carefully consider the said counts and state when you first conceived or thought of the structures that are recited and pointed out in these four counts?

A. In the month of August, 1902.

Q. 10. After conceiving of this invention in August, 1902, did you make any drawing? A. Yes, sir.

Q. 11. When did you make the drawing, and what became of it? Are you able to produce it?

A. I am not able to produce the drawings, which were pencil sketches.

Q. 12. About when were these made, as near as you remember, and state definitely the reasons why you are not able to produce them. Indicate what became of them, in other words, so far as you know. [395]

A. As soon as I found the process was practical I made drawings right away and tried to get the matter in a concrete form, and, after I had got my ideas all together, I turned them over to the factory and let them put them together and build a machine, and the machine from these drawings was built in the factory.

Q. 13. What became of the drawings, so far as you know?

A. They were turned over to M. E. Dunkley.

Q. 14. Do you think they are in existence now?

A. I couldn't say, but all the drawings that I made were generally pencil notations on any kind of paper, as I didn't realize that they were of any particular value at that time.

(Testimony of S. J. Dunkley.)

Q. 15. Then, as I understand you, you took no precaution to preserve them. Is that right?

A. I did not, no.

Q. 16. State whether a small model was made of the machine, or not, before a full-sized machine was made.

A. Yes, there was.

Q. 17. Kindly explain what this model was.

A. This model was a one-line machine, a regular working machine.

Q. 18. How large was it?

A. In size or capacity?

Q. 19. Both.

A. Well, it was a little over 5 or 6 feet long, about 3 feet wide and had a capacity of from 100 bushels to 200 bushels of peaches per day.

Q. 20. Where was this machine made and at about what time?

A. It was made in the month of July, 1903, and put together at the factory at South Haven, Michigan.

Q. 21. Where was the machine used?

A. At South Haven, Michigan.

Q. 22. Was it used at any other place or places?

A. Not that year.

Q. 23. State what became of that machine, if you know?

A. I think it is over in the factory now.

Q. 24. Is it in working condition?

A. I couldn't say to that. The factory superintendent would know better than I would.

Q. 25. I show you a photograph and ask you if you recognize the [396] picture there photographed?

A. Yes, this is the standard of the first machine.

(Testimony of S. J. Dunkley.)

Q. 26. Is this machine one that you have described or is it a later machine?

A. This is the one that I just described.

Q. 27. State whether there were any other machines made after this machine that you have just referred to as the model machine?

A. Yes, sir; this was a one-line machine and the capacity wasn't large enough, so in September of 1903 we built the three-line machine.

Q. 28. Indicate the extent to which this one-line machine was used, so far as you know?

A. We first tried it out on Georgia peaches and then worked it along until we got the three-line machine built, and some days the receipts of peaches were so heavy that we used both machines during that year. I don't think it was used the next year. That is, referring to the small, what I called the model working machine.

The photograph identified by the witness is offered in evidence with the request that it be marked Dunkley's Machine No. 1, photograph of frame of first Dunkley machine, and the same is so received and marked."

Did you so testify at that time?

Mr. MILLER.—I think the proper way to do is to hand this document from which he is reading, to the witness and let him look at it and say. We have no objection to the inquiry, none whatever, but I think it ought to be done in the proper way; not sit there and read something to him.

(Testimony of S. J. Dunkley.)

A. I think I remember that well enough; yes, I testified to that.

The COURT.—If any matter that the witness is inquired of is in writing he is always entitled to have it disclosed to him.

Mr. WHITE.—Yes; it is just a copy of the record.
[397]

Mr. MILLER.—He has read from a copy of the record in the Circuit Court of Appeals of the District of Columbia which was decided in Mr. Dunkley's favor.

Mr. WHITE.—Q. In this testimony just read you you identify this photograph referred to by Mr. Chappell, and I ask if the photograph which I hand to you now is a duplicate of the one mentioned by you during the taking of that testimony?

A. It looks like it.

Q. The photograph just handed you is Defendant's Exhibit "R." Does this photograph Defendant's Exhibit "R" disclose the form of this model machine "Plaintiff's Exhibit 10"? A. Yes, it looks like it.

Q. How were peaches peeled in that cannery in South Haven during the year 1902?

A. By knife.

Q. Now, just describe how the employees peeled the peaches in 1902 by knife, that is, did they sit around separate tables or were they at one table?

A. We had peaches peeled by hand knife, and then also by the St Clair, Scott Rotary Machine, and as near as I can remember we had tables, separate tables

(Testimony of S. J. Dunkley.)

where some of them were peeled, and we had on this long conveyers.

Q. In the year 1903 were all your peaches commercially peeled on these line machines?

A. No, I don't think so.

Q. To what extent did you peel by hand in 1903?

A. I could not say to what extent, but I know we must have peeled some.

Q. Have you any idea whatever as to the amount?

A. No.

Q. How did you peel pears in 1903?

A. With the knife.

Q. Just with the ordinary paring-knife?

A. Ordinary paring-knife.

Q. Where did you buy your caustic soda in the year 1903? A. I really could not tell you.

Q. Do you know what quantity of it you bought in 1903? A. No. [398]

Q. Do you remember of a photographer visiting your cannery on September 23, 1903, and taking several views of the interior of your cannery disclosing the apparatus and machines being used in that cannery for peeling peaches and also showing the employees working at these various machines?

A. No, I do not remember it.

The COURT.—1903?

Mr. WHITE.—Yes.

The COURT.—Q. Were you there at the time?

A. I don't know; I might have been there and might not.

Mr. WHITE.—Q. Did you ever see any photo-

(Testimony of S. J. Dunkley.)

graphs taken in 1903 of the various rooms in your cannery?

A. I might have; I could not remember now.

Q. In 1903, during the months of July and August, was there constructed in your cannery at South Haven a peach-peeling table about 90 feet in length having a conveyer down the center and platforms upon either side upon which were placed chairs for the women peeling peaches?

A. I remember such a table that was there, a conveying-table, but I don't remember just what time it was built.

Q. You don't remember what year it was built?

A. No. I know it was built after 1902.

Q. And that table was built as a peach peeling-table?

A. Not particularly; as a peach-pitting and peeling-table and to inspect the fruit.

Q. In 1902 did you have peach pitting-machines operating in that cannery, or were the peaches pitted by hand?

A. I am not exactly clear on that; we pitted lots of them by hand.

Q. If the peach peeling-machine was built in 1903, for what purpose other than as a peach peeling-table was it built?

A. We always handle our fruit from the front end to the back, [399] and we had an inspection table where the girls trimmed the fruit and also pitted and sometimes peeled on it; we handled most everything along on that conveyer-line.

(Testimony of S. J. Dunkley.)

The COURT.—Q. When you got through with the outfit and it was packed it was at the rear end for delivery, I suppose? A. Yes.

Mr. WHITE.—Q. I show you a photograph and ask you to state if the same is a photograph of the peach-peeling table built at that cannery in July and August of 1903?

A. It looks like a picture of the cannery and of the table, but the conveyer-table we used for everything.

The COURT.—That question includes also a statement as to whether that was built in August, 1903?

A. I could not say as to that.

Mr. WHITE.—Q. What are the operators doing at this table as disclosed in this photograph?

A. I could not say as to that; it is not clear enough.

Mr. WHITE.—The photograph handed the witness is asked to be marked for identification "Photograph of Dunkley peach peeling-table."

A. It might have been taken for all I know.

Mr. MILLER.—They may call it a peach peeling-table—

The COURT.—It does not make any difference about that; I go according to the evidence and not on the nomenclature that counsel indulge in or anything of that kind.

Mr. WHITE.—We expect to prove our contention regarding this table.

Q. I draw your attention to the small machine on this table in front of one of the operators, and ask you to state if the same is not one of these St Clair, Scott Peach Peeling-machines?

(Testimony of S. J. Dunkley.)

A. It looks like it; I might have had them there.

Q. To whom did you give directions in regard to the building [400] of this experimental model "Plaintiff's Exhibit No. 10"? A. To my son.

Q. Do you know who built that model?

A. No; I do not; I had about 50 men working for me and I could not tell you exactly who put it together.

Q. Where was that model constructed in that cannery?

A. I could not say; it might have been constructed at Kalamazoo.

Q. What kind of gears were used in that model?

A. I could not say that.

Q. Where were these gears procured?

A. I could not say that.

Q. Where were the brushes which were used in that model procured?

A. I could not say; I think they made them in Kalamazoo.

Q. To refresh your memory, don't you recall a visit that you made to Riddeford Brothers in Chicago, to secure these brushes during the month of September, 1903?

A. No; I never was in their place.

Q. Who was present when you made any experiment with the caustic soda process in your cannery?

A. My son; he is about the only one I can remember.

Q. In 1903 you put up pickled peaches?

A. In 1903 we started to get ready to put up pickled

(Testimony of S. J. Dunkley.)

peaches; as we were using so many more peaches, we did not know what to do with the little fellows.

Q. Did you do any experimenting with pickled peaches about the month of August, 1903?

A. I could not say; it seems to me that is the year we did.

Q. Who had charge of that work?

A. I could not say, exactly; we had so many there.

Q. William Brunker had charge of that work, didn't he?

A. He was hired to look after pickled peaches, yes.

Q. Now, these pickled peaches were first put up with the skins [401] on; is that correct?

A. I don't question but that they were put up all the time with skins on.

Q. In the month of August didn't you tell Mr. Brunker that you knew of McEwen using the lye process the previous year there in South Haven and you thought it might be a good idea to use it in getting these pickled peaches ready for the market?

Mr. MILLER.—That is objected to, as there is no foundation laid in the answer for anything about McEwen.

A. No, I did not. I didn't know McEwen used it.

Mr. WHITE.—Q. In the month of August, 1903, did you tell William Brunker to make some experiments with the lye process?

A. Not that I know of, no.

Q. Did William Brunker, during the month of August, 1903, make some experiments with the lye process in that preserving-room on the main floor?

(Testimony of S. J. Dunkley.)

A. He might have.

Q. Did you ask William Brunner in August, 1903, if he could get up a machine to do the work which he was doing by hand in connection with this lye process? A. No.

Q. Did William Brunner, during that month, reply to such request that he was not a machinist and could not get such a machine up?

A. I do not recall having any conversation with him whatever.

Q. Did you in a conversation with William Brunner during that month tell him that in view of the fact he could not get up this machine, that you would get Stewart Campbell to get it up for you?

A. No.

Q. During the month of August, 1903, did you tell Stewart Campbell to go to Brunner and find out what he was doing about this lye process, so that Stewart Campbell would have data upon which to base his work in getting up such a machine? A. No, sir.

Q. Did Stewart Campbell build this model machine, "Plaintiff's Exhibit 10"? A. Not that I know of.

[402]

Q. When was this plaintiff's exhibit model first tested?

A. The commercial machine or the experimental?

Q. The experimental model.

The COURT.—This "Exhibit 10" here.

A. Some time in August, 1902.

Mr. WHITE.—Q. Was that experimental model operated at all during the month of October, 1903,

(Testimony of S. J. Dunkley.)

down in the basement of your cannery?

A. It might have been.

Q. Was it? A. I could not say.

Q. Were you present at any such test of that model in October, 1903? A. I might have been.

Q. Do you remember anyone else present at such a test in October, 1903? A. No.

The COURT.—Q. Did you spend much of your time at the South Haven Cannery?

A. I was in and out and over at the docks and then down to Kalamazoo all the time.

Q. How far is South Haven from Kalamazoo?

A. 38 miles.

Mr. WHITE.—I direct your attention to this "Plaintiff's Exhibit 10" and ask you what function in the operation of the machine did those gears perform which are on the shaft on which the pulley at the other end of the machine is mounted?

A. I presume if there is gears there to help turn the brushes.

Q. Do you know?

A. No, I do not know. It is a simple enough machine; anybody could judge by looking at it.

Q. Do you remember whether or not at the first test of this model "Exhibit 10" the spiral brush did not operate properly because it did not have enough bristles on it and for that reason a towel or toweling was wrapped around it?

A. No, I don't remember that, because there were quite a number of experiments made with it.

Q. Do you remember if, at the first test of this

(Testimony of S. J. Dunkley.)

model machine, [403] you found that the peaches, instead of dropping off at the end of the belt brush, had a tendency to shoot out in a straight line, where they left the machine?

A. If it was run too fast they would shoot out.

Q. How was that defect in this model machine remedied in the building of that first three line commercial machine?

A. They always shoot out now.

Q. Still do it? A. Yes.

The COURT.—Q. Is it a defect to have them discharged out?

Mr. WHITE.—They just want to drop them down into the water, go out in a horizontal line.

The COURT.—What would be the difference if they went out in a horizontal line and dropped into the water?

A. There is more chance of being bruised; they would have to have a larger receptacle; some would be shot out farther than others.

The COURT.—Q. Would that be a defect in the machine?

A. No; we want to get them discharged from above; we could stop that by hanging a piece of cloth or bag over that; that would stop it.

Mr. WHITE.—Q. Who built the commercial machine? A. Some of the men there.

Q. Who made the drawings for the commercial machine? A. I could not say about that.

Q. Was there a lye-tank built for this first experimental model machine? A. No.

(Testimony of S. J. Dunkley.)

Q. When you experimented with that model machine you processed the peaches by placing them in a solution which was in an ordinary tub of water put on a gasoline stove; is that correct?

A. I am not clear about that. It might have been one of our cooling tanks. That is what I think it was. [404]

Q. It was not a regular tank built for that?

A. You are speaking about 1902 now?

Q. Yes, "Plaintiff's Exhibit 10"? A. Yes.

Q. Was there ever at any time built a lye-tank for this "Plaintiff's Exhibit 10"?

A. Not that I know of. I could not say it was for that; it was built for the machine we got running in 1903.

Q. In other words, in 1903 you had built a lye-tank for the commercial machine? A. Yes.

Q. But you never built a lye-tank for this "Plaintiff's Exhibit 10"?

A. For the experimental machine we never built a lye-tank.

Q. Now, who made the drawings for that lye-tank which was used for that commercial machine?

A. I could not say to that.

Q. Where was that lye-tank procured which was used in that commercial machine?

A. I could not say to that; we had a great many places to procure tanks from.

Q. Was that lye-tank for the commercial machine bought from the Clark Engine & Boiler Company of Kalamazoo?

(Testimony of S. J. Dunkley.)

A. It might have been; I did not attend to that detail.

Q. Did the Clark Engine & Boiler Company of Kalamazoo deliver to your factory in Kalamazoo on January 30th, 1904, a lye-tank for one of these machines?

A. They might have; we were building quite a number of machines at that time.

Q. Where did you get the brushes for that first commercial machine?

A. I could not say as to that.

Q. Where did you get the chains which were used in the lye-tank for that commercial machine?

A. I could not say as to that.

Q. Were they bought from the Weller Manufacturing Company?

A. I could not say as to that because we bought from a great many people, some from Weller, some at Indianapolis, some at [405] Detroit; I did not attend to that detail.

Q. Who attends to those details?

A. Whoever was looking after it in the factory.

Q. Do you know who was looking after that in the factory, the building of that first commercial machine?

A. No; my son was the one I left it to mostly.

Q. During the month of December, 1903, did you send Stewart Campbell to Boston to get gears for the first commercial machine of this type that you ever built?

A. No; if he went to Boston he went for some-

(Testimony of S. J. Dunkley.)

thing else besides that because I would not send a man 1800 miles to get a simple gear which I could get in Detroit or in Kalamazoo.

Q. In the month of December, 1903, did you buy any gears from the Boston Gear Works at Boston?

A. I shouldn't wonder but what we did, for we were building some machines, I think Campbell was at that time, I think he was building a complicated syruper-machine.

Q. Who operated that first commercial machine during the first year it was operated?

A. I don't know that.

Q. Did William H. Triage operate it in the year 1904? A. I don't know.

Q. When was the third peach peeling-machine made by the Dunkley Company? A. The third?

Q. Yes, counting the experimental model machine as the first? A. I could not say as to that.

Q. Prior to November 1, 1904, had the Dunkley Company made any peach peeling-machines other than this experimental model machine and the first commercial machine?

A. Prior to November 1, 1904?

Q. Yes.

A. I think it was in July, 1904, or along in there Mr. Dawson of the California Fruit Cannery Association came over and [406] said "Can I send for Mr. Bentley our general manager" and I says "Sure"; so a couple of months after that Bentley came out there and he bought four of the machines and we made these out of iron, changed our models

(Testimony of S. J. Dunkley.)

completely and left the three line and went back to the two; that was in 1904 and we shipped these four machines with the two prevaricators to him, as soon as we got them made, in the spring of 1905.

Q. Was there one of these machines built prior to November 1, 1904?

A. I could not say as to that.

Q. Where did you get the castings for these cast-iron frame machines?

A. I could not say about that.

Q. When did you first get any castings for one of these cast-iron frame machines?

A. I could not tell you; that is details that the factory carried out.

Q. How many peach peeling-machines of this type has the Dunkley Company built?

A. Which type, the iron?

The COURT.—No, the type of the patent, commencing with the experimental model machine.

Mr. WHITE.—Q. Commencing with the experimental model machine up to the present time?

A. I could not tell you without looking over our books.

Q. Where are your books?

A. I don't know as they would tell you.

Q. Where are they?

A. I say I don't know as our books would tell; our books are at Kalamazoo.

Q. The books of the Dunkley Company are now in Kalamazoo? A. Yes.

Q. I presume those books would disclose all the

(Testimony of S. J. Dunkley.)

details of the manufacture of these machines: is that correct? A. No, they would not. [407]

Q. Would they disclose the purchases made by the Dunkley Company of the parts used in these machines? A. No.

Q. Would those books disclose the accounts of the Dunkley Company with E. B. Mapes at South Haven?

A. I do not think so; the Dunkley Company that got up this machine went bankrupt after the peaches were all frozen in 1906.

Q. That company was the Dunkley Preserving & Canning Company, was it not, that went bankrupt?

A. No, the Dunkley Company.

Q. It was the Dunkley Company? A. Yes.

Q. What became of the books when it went into bankruptcy? A. I don't know.

Q. Has the Dunkley Company at any time up to the present time made more than ten peach peeling-machines of the type disclosed in the patent?

A. I could not say.

Q. Can you tell us—

A. —We made some for Armour & Company; they have got theirs up there.

Q. How many did you make for Armour & Company, these peach peeling-machines, having the brushes in them? A. Four, I think it was.

Q. How long were they used by Armour & Company that you know of?

A. I don't know, I think they are using them now.

Q. Are these the only machines of that type that

(Testimony of S. J. Dunkley.)

are used at the present time so far as you know?

A. No.

Q. Where is any other in use?

A. We have got some over at Hartford.

Q. How long have they been used there?

A. Two or three years.

Q. How many? A. I don't know.

Q. Do they embody the brushes? A. Yes.

Q. Now, these machines which were shipped out here to California [408] were returned to your company in South Haven: is that correct?

A. Yes.

Q. At the time of the bankruptcy these machines were appraised by the appraisers as junk: is that correct?

A. Yes—I will qualify that; I don't know what the appraisers appraised them at.

Q. Didn't they treat these machines in their appraisal as simply so much iron?

A. The only thing I know is what actually happened; the receivers sold them with some other machines as junk before I got hold of them.

Mr. MILLER.—If your Honor please, that is a matter that we have no information about; if there is an appraisal or anything of that kind it seems to us the document would be the best evidence.

The COURT.—The witness said he did not know.

Mr. WHITE.—Q. Have you made any effort to secure any records proving any of the dates regarding the making or using of any of these peach peeling-machines and if so what efforts have you made?

(Testimony of S. J. Dunkley.)

Mr. CHAPPELL.—That is objected to as not material.

Mr. WHITE.—I think it is very material considering the burden of proof is on them to carry back the invention; they have failed to produce any documentary evidence whatsoever.

The COURT.—Is the burden of proof on them to show they made the first machine?

Mr. WHITE.—Absolutely; we shifted the burden of proof when we put in the Beekhuis application which was filed May 24, 1904. If they had not put in this proof the case would necessarily have to be decided in our favor; the burden on them is to carry back that to the date of invention, and the burden is just as heavy on them as it was on us to prove prior use; there [409] is no difference I think now from what it was on us when we started out.

Mr. MILLER.—We challenge the statement as to the shifting of burden of proof because the very same testimony which the counsel introduced shows that there had been adjudication that Mr. Dunkley was the prior inventor; in other words, he put in evidence the Beekhuis patent for the purpose of shifting the burden of proof on us and at the same time he put in evidence the file-wrapper contents of the Dunkley patent from which it appears that there was an interference between Beekhuis and Dunkley and that it was decided by the Court of last resort that Dunkley was the prior inventor and therefore the burden of proof instead of being shifted remained exactly where it was.

(Testimony of S. J. Dunkley.)

The COURT.—I did not regard the burden as shifted by that evidence.

Mr. WHITE.—If your Honor please, when we put in the patent of Beekhuis we conclusively presumed as a matter of law that the Beekhuis invention was made at least as early as May 24, 1904; therefore when we prove that we have proved somebody else is a prior inventor anticipating the application of the Dunkley patent filed on November 29, 1904.

The COURT.—However, I will let this go in. I am not determining that question now.

Mr. WHITE.—I have a Supreme Court authority on that.

The COURT.—I will let this question be answered. He is asking what inquiries you made or what efforts you made to ascertain the facts from which to fix the date of the building of the first machine?

A. I do not remember making any particular inquiries. I think my son did.

Mr. WHITE.—Q. Did you see Mr. Stewart Campbell during the [410] month of February, 1916?

A. I could not state what date it was; I went through the hotel and saw him there and said "How do you do" and shook hands with him.

Q. What were his duties at your cannery through 1902, 1903 and 1904?

A. In 1903 I hired him as an electrician and let him wire my house and let him wire the factory, and after

(Testimony of S. J. Dunkley.)

that he worked at most everything; I felt very kindly toward him and gave him a job; I paid him \$60 a month.

Q. His particular duties there were to develop certain machines: is that correct? A. No.

Q. Didn't he work on the cooker which was developed in those years, the peach-pitter and syruper?

A. He worked on anything that I told him to, and I let him try and develop out some of his own ideas at a certain time to my expense and sorrow.

Q. When did he enter the employ of the Dunkley Company and when did he leave?

A. My memory is sometime in 1902, and I think he left in 1904.

Q. When you saw him in Kalamazoo did you speak to him, ask him where he lived?

A. I do not remember; I might have.

Q. In that conversation did he tell you that he lived in Berkeley, California? A. He might have.

Q. At that time did you speak about this suit and the possibility of getting him as a witness for you?

A. No, I never mentioned it; I did not think of it.

Q. When did William Bruncker enter the employ of the Dunkley Company and when did he leave it?

A. I don't think he stayed over 3 or 4 months; he entered the employ sometime in June, 1903; that is my recollection.

Q. When does the last boat leave South Haven for Chicago or when did it leave during the year 1903?

A. The day or month?

Q. Just approximately the month, what time of

(Testimony of S. J. Dunkley.)

the month? [411] A. It left in November.

The COURT.—Q. Does it freeze up in November?

A. Well, the fruit freezes so there is nothing much; they stop the boat; they do not run; it is a summer resort down there.

Q. South Haven? A. Yes.

The COURT.—Is that all with the witness?

Mr. WHITE.—No.

Q. I show you a photograph and ask you to state if the same is a photograph of the preserving-room on the main floor of your cannery as it was in 1903?

A. That is the glass room.

Q. As it existed in 1903?

A. I could not say as to that.

Mr. WHITE.—I ask that this photograph be marked for identification "Preserving-room."

The COURT.—It is objectionable in putting a question to put a compound question to the witness; the proper way is to ask him if that is a photograph of the interior part of his cannery and then ask him when, because if a witness answers part of the question and leaves the balance unanswered, then the answer is taken as an assertion to the whole question and it is not fair to the witness.

Mr. WHITE.—Q. I show you another photograph, and ask you to state what the same is?

A. That looks like the south side of the main room, with a slat-table.

Q. For what purpose is that slat-table used?

A. That looks like to me, like one we had when we were canning in glass, and that ran under the stack

(Testimony of S. J. Dunkley.)

where the stack comes up through the roof.

Q. Was that slat-table there a continuation of the long table of which I have heretofore shown you a photograph and at which there were a number of women apparently peeling something? [412]

A. It might have been; I could not say.

Q. You don't remember whether this table shown in this photograph is a continuation of the other table?

A. No; you couldn't take any photographs in any one month that would reflect the condition in the next month.

Q. In the year 1903 was there as a continuation of that long table which I have designated a peeling-table a table of this type which was used as a filling table?

A. I don't know; there might have been.

Mr. WHITE.—I ask that this photograph be marked for identification "Photo, Dunkley peeling-table."

(The photograph was marked for identification "Photo, Dunkley peeling-table.")

Q. I show you another photograph and ask you to state what the same is of?

A. This looks like one of our first open top double seamers; we were about two years ahead of the other canneries in that respect.

Q. 1902 you seamed by hand: is that right?

A. I think we started on the open top in 1902, as near as I can remember.

Q. You mean that you think you started using these seamers shown in the photograph in 1902?

(Testimony of S. J. Dunkley.)

A. I think we did, but I am not clear; it was along about that time; we made so many changes and put in so many things that it is hard to say.

The COURT.—What do you call seamers?

A. We put the fruit in here and then filled it full of syrup and then put it in here, and it turned it down; we never used any solder.

Q. What is the nature of the top? A. A tin top.

Q. On a glass container?

A. No, on a tin container. [413]

Mr. MILLER.—I think I can explain that. Originally they put the top on to the tin can because they had to put the fruit in first, then they gently laid the top over the can and then soldered it around with solder; the European countries made certain laws against the importation of fruits that were contained in soldered cans; they said it was deleterious to health and so long about 1901 and 1902, along in there, all the American manufacturers in order to meet that condition got up what is called the double seamer; that is, a machine which seams the head on to the body of the can without using any solder at all; it was a very useful invention in that it did away with solder, and after that we abandoned solder entirely; they never use any solder now; that is what is ordinarily referred to now as a double seamer; it makes a double seam without the necessity of using any solder.

The WITNESS.—It was not very perfect; we used to lose lots of them at that time.

Mr. WHITE.—I ask that this photograph be marked for identification “Photo Dunkley Seamers.”

(Testimony of S. J. Dunkley.)

(The photograph was marked for identification
"PhotoDunkley Seamers.")

Redirect Examination.

Mr. CHAPPELL.—In view of the quotation from the interference record 30,610, between yourself and Mr. Beekhuis, I will ask you to please consider the "Plaintiff's Exhibit 10," the framework here, and state explicitly and in detail what you know about the production of that machine and when the machine was finally completed.

Mr. LYON.—That is objected to as not redirect examination, as fully gone over on direct examination and calling for the conclusion of the witness. [414]

The COURT.—No, I think not.

Mr. LYON.—It is a conclusion particularly as far as there is any explanation or conclusion derived from the testimony in the interference.

The COURT.—The objection is overruled.

A. That machine was completed some time in August, 1902.

The COURT.—He has stated that before. That is this experimental machine? A. Yes.

Q. The working model I suppose you would call it, would you not? A. Yes.

Mr. CHAPPELL.—Q. I call your attention particularly to your answer to the question 20 in the interference record "It was made in the month of July, 1903, and put together in the factory at South Haven, Michigan" and I ask you if that statement is inconsistent with the one you have just made?

Mr. LYON.—That is objected to as not redirect

(Testimony of S. J. Dunkley.)

examination and incompetent, calls for the conclusion of the witness and not a statement of fact; it is for the Court to determine whether it is consistent or not.

The COURT.—I want to know the fact.

A. This places it in July. I had the completed machine, the tank and everything in combination.

Mr. CHAPPELL.—Q. Your answer as to “Exhibit No. 10” does not contemplate the presence of the tank? A. No.

Mr. LYON.—That is objected to as leading and suggestive.

The COURT.—Yes, I think it is. You can ask him what his present answer as to the apparatus being completed in August, 1902, referred to.

Mr. CHAPPELL.—Q. To what did you refer as a structure in 1902 in your answer?

A. Just the spray end of it. [415]

The COURT.—There is nothing ever to be gained by endeavoring to prevent explanations of apparent inconsistencies in evidence; the court is seeking the truth and it is bound to get it if it can; to that end I care very little whether an inquiry is denominated as not proper redirect examination; all I care for is as to whether it is material to elicit the truth, and this especially should be so in as important a question as that which grows out of and is always involved in an inquiry such as this, as to who was the first inventor, who had the first conception and put it into practice with reference to the subject matter of an invention.

(Testimony of S. J. Dunkley.)

Recross-examination.

Mr. WHITE.—Q. Mr. Dunkley, in any one of the four counts recited to you by Mr. Chappell at the time you gave that testimony is there included therein as an element a lye-tank?

A. Means for disintegrating the skin.

Q. Does any one of these counts include a combination in which a lye-tank is made an element?

The COURT.—Read them.

Mr. MILLER.—I ask that the witness be shown a copy.

The COURT.—Let us see what the count is?

Mr. WHITE.—Count 3: “In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit, including a support for the fruit, means for effecting a change of position of the fruit on said supports, and means for directing peeling water jets upon said fruit”—is there any lye-tank mentioned in that combination as a part of the mechanism?

A. There might not be—I could tell better if I looked at it. Which one do you mean?

Q. No. 3? [416]

A. In an apparatus for treating fruit such as peaches, that means the disintegrating solution.

Q. Then according to that count the skins of the fruit could have been disintegrated in any kind of a caustic soda solution entirely distinct and separate from the combination of that count: is that correct?

A. Any such combination of the means for doing it.

Testimony of H. C. Schau, for Plaintiff (in Surrebuttal).

H. C. SCHAU, called for the plaintiff in surrebuttal, sworn.

Mr. CHAPPELL.—Q. State your name, age, residence and occupation?

A. 33; residence, 535 Trimmel Avenue, Kalamazoo, Michigan; I am in the Automobile business.

Q. Do you know Mr. Samuel J. Dunkley of Kalamazoo, the patentee of the patent in suit?

A. I do.

Q. Do you know of the Dunkley Company?

A. I do.

Q. Indicate your knowledge and relation to the company?

A. From 1898 until 1902 I worked for the Dunkley Company during vacations, part of the time after school and Saturdays; from 1902 to 1908, with the exception of a little while in the winter-time of 1902—worked for them continuously.

The COURT.—Q. From what date?

A. From February, 1902, to March, 1908, with the exception of a little while in the winter-time of 1902—1903.

Mr. CHAPPELL.—What was the business of the company while you were in its employ?

A. The principal business was the canning and preserving of fruit.

Q. Are you familiar with the methods that they were employing in peeling peaches? A. I am.

Q. What methods were employed?

(Testimony of H. C. Schau.)

A. Until 1903 they were peeled by hand or by a little hand machine; beginning in 1903 [417] they commenced to use what we called a lye process; beginning in 1904 the peaches were all peeled by the lye process.

Q. State your first observation of anything relating to this lye process at the plant of the Dunkley Company and at what place?

A. I saw an experiment with some peaches in a wire waste-paper basket in July, 1902.

Q. In what places was that and who did the experimenting as you observed it?

A. At South Haven, M. E. Dunkley was the man who did the experimenting.

Q. What did you next observe?

The COURT.—Q. When was that?

A. In July, 1902.

Mr. CHAPPELL.—Q. What did you next observe with reference to the lye process?

A. I left South Haven in the first of August, 1902, and went to Hartford, and I was there until the 1st of November; the first of November I came back to South Haven, and there was installed in the basement of the north wing some machines that I had never seen before and one of these was as I was afterwards informed—was a machine for peeling peaches.

The COURT.—Q. What date was that?

A. The 1st day of November, 1902. I am very certain of that date because I was paid by the month then—I got paid twice a month and when I came to leave Hartford I was financially short and my check

(Testimony of H. C. Schau.)

had not come and I had to wait and make arrangements to postpone some payments until I got my check which came two or three days afterwards at South Haven.

Mr. CHAPPELL.—Q. Do you know what became of the machine that you observed in November, 1902?

A. I think it is still in existence; I know it is still in existence.

Q. Have you seen it recently? A. Yes. [418]

Q. Are you able to identify any of the structures here in the room as that?

A. The further one over there is the one.

Q. The structure indicated as "Plaintiff's Exhibit 10"; what did you next observe regarding a lye-peeling process?

A. Early in the next summer I was working in South Haven but my home was in Kalamazoo, and I made trips to Kalamazoo as often as I could, and on one of these trips I stopped in that factory in the morning before going to the train and they showed me an outline; they had some machines completed and some of them were in the course of completion, the whole line.

The COURT.—Q. What time was this?

A. I think that was either the day before or the day after the 4th of July.

Q. 1903? A. Yes.

Mr. CHAPPELL.—Q. What next did you observe after that as to the lye-peeling process?

A. Soon after this the whole plant was moved to South Haven and it was operated at the beginning of the peach season in 1903.

(Testimony of H. C. Schau.)

Q. To what extent did you observe it in operation after that?

A. Well, it was operated during the season of 1903, and as I said before, beginning with the beginning of the peach season of 1904, from then on as long as I was with the company; the peaches were all peeled, that is, at the South Haven factory, with this process.

Q. What was your opportunity of observing the operation of the machine at that time at South Haven in 1903?

A. In 1903 I had charge of what we call the machine-room, or it was the Automatic Vacuum Canning Company machine, we call them vacuum machines and double seamers for making the closure on the can; that room was located at the extreme west end of the main room, and the line extended east from there; these peeling-machines [419] were at the extreme east end of the room.

Q. How long a time were you occupied in charge of the machine-room, as you call it?

A. I was there the season of 1903 and early part of the season of 1904; from then on, from 1904 to 1906 I had charge of the factory.

Q. Could the peach-peeling machines be seen from the place of your employment? A. Yes.

Mr. CHAPPELL.—That is all.

Cross-examination.

Mr. LYON.—Q. In what business were you engaged in July, 1912? A. In July, 1912?

Q. Yes.

(Testimony of H. C. Schau.)

A. In July, 1912, I was in the cigar business.

Q. Where? A. Kalamazoo.

Q. In 1913, July? A. In 1913?

Q. When did you first meet William Brunker.

A. When did I first meet him?

Q. Yes? A. In 1903.

Q. Where?

A. South Haven or Kalamazoo, I don't remember which, Kalamazoo, I guess.

Q. In the Dunkley factory? A. Yes.

Q. What was he doing there?

A. He was a common pickle-man, as I understand it; he was there for a short time.

Q. How long was he in that factory?

A. I would say about three months.

Mr. CHAPPELL.—I don't see how this is cross-examination.

Mr. LYON.—I will make it so in a minute.

Q. During the time that you saw this machine in operation, this model, in 1902, as you say—

A. —I did not see it in operation in 1902.

The COURT.—He said that when he came back from Hartford he saw a machine of which is a part in evidence. [420]

Mr. LYON.—I stand corrected.

Q. When you say you saw this first experiment made with the lye was Mr. Brunker there in the employ of the company?

A. I don't know whether he was in the employ of the company—I don't think he was.

Q. You had not seen him up to that time?

A. No.

(Testimony of H. C. Schau.)

Q. Was he there during the use of this machine at South Haven in 1903?

A. I don't know just the term of Mr. Brunker's employment there; I know he was there—he was engaged in putting up some pickeled peaches.

Q. Now do you know who was at work on these machines which you say were being built there in 1903 at the time along about the 4th of July that you saw them?

A. I forget who showed them to me; it was either John or George Courtney.

Q. Was Mr. Stewart Campbell there at all at that time?

A. Mr. Stewart Campbell was at South Haven.

Q. It was in South Haven where you saw these machines, was it not? A. No.

The COURT.—It was in Kalamazoo he said. He is speaking of July, 1903.

A. In July, 1903.

The COURT.—He said he stopped in the factory that morning and saw this machine; one I think you said was completed and one or so incomplete?

A. Yes.

Mr. LYON.—Q. Just describe those machines that you say you saw at the Kalamazoo factory of the Dunkley Company in July, 1903?

A. The one that I saw particularly, there were none of them in operation, none of them turned on; it was early in the morning they turned the water on the brush machine, which was [421] the single machine that stands in the corner.

Q. You mean you saw this machine "Plaintiff's

(Testimony of H. C. Schau.)

Exhibit 10'' at the Kalamazoo factory in July, 1903;
is that it? A. Yes.

Mr. LYON.—That is all.

Redirect Examination.

Mr. CHAPPELL.—Q. Please state your knowledge of the location of the machine-shops of the Dunkley Company,—where were they located?

A. I do not understand what you mean by machine-shops; he afterwards had a lathe and a shaper and several machines that usually go with a machine-shop—do you mean that?

Q. Yes, anything that amounts to a machine-shop or a work-shop, where were they located?

The COURT.—Q. Machine-room, where they would work on these machines?

A. At South Haven or Kalamazoo.

Mr. CHAPPELL.—Q. At South Haven or Kalamazoo, either one, if they had them at both places?

A. The machine-shop we had at South Haven was located in the basement of the north wing.

Q. When was that machine-shop put in?

A. It was put in in 1904.

Before that where was the machine work of the Dunkley Company done as far as you know?

A. It was done, the most of it, in Kalamazoo, in various shops, for the reason that South Haven was a small town and supplies were hard to get there, especially anything out of the ordinary.

Q. How about the facilities for transportation between the two places?

A. They were very good; it was only 39 miles, and

(Testimony of H. C. Schau.)

it would take the stuff shipped the same day to get there.

Q. What was the practice of the company about machines or new construction?

A. The main work was practically all done from Kalamazoo. The celery goods were all packed in Kalamazoo [422] Celery Specials and these goods were mixed in very much with the peaches and other goods shipped to South Haven, and it was customary to load a car of mixed goods going both ways, we would have to send celery goods to South Haven and peaches and pears to Kalamazoo, and if at any time we had anything that was ready to go we would put it in the same car, and the company never bothered us on mixed car lots.

Q. In that way were machines ever shipped back and forth in the process of construction?

A. Yes.

Mr. LYON.—I object to that as leading.

The COURT.—He has answered it. Avoid the leading form.

A. I would say that I do not believe, I do not remember a single machine, but at least parts of it were shipped from Kalamazoo.

Mr. CHAPPELL.—Q. Did that occur in conjunction with this machine known here as "Plaintiff's Exhibit No. 10"?

Mr. LYON.—Objected to as leading.

The COURT.—Yes, I think it is.

That however is a deduction for the Court to draw and not the witness.

(Testimony of H. C. Schau.)

Recross-examination.

Mr. LYON.—Q. In February, 1904, at the Kalamazoo factory did you assist Melville E. Dunkley put some legs under a lye-tank, February, 1904?

A. I don't remember.

Q. Did you at any time? A. I don't remember.

Q. You have no recollection whatever. A. No.

Q. Of such an occurrence?

A. If you can describe the tank, tell me what it was, I might tell you something about it.

Q. A lye-tank for one of these peeling-machines.

A. In February, 1904?

Q. Yes. A. I might have.

Mr. LYON.—That is all. [423]

Redirect Examination.

Mr. CHAPPELL.—Q. Do you remember of any work on any one of these tanks at any time?

A. Yes.

Q. When did you first work on anything of that kind?

A. I would say as far as working on them personally, in the spring of 1904.

Q. Are you sure you worked on them at any other time?

A. At that time I did not have very much to do with the mechanical end of it; I sometimes helped them out on little details, but I had grown up with the factory; I was working with the canning end of it.

Q. Do you remember of observing any work on any of these lye-tanks?

(Testimony of H. C. Schau.)

A. The tanks were all there previous to that time—I say all; not all there—they were there.

Q. When did you first observe any of these lye-tanks?

A. The tank was in the course of construction when I saw the machine at Kalamazoo in July, 1903.

Mr. CHAPPELL.—I would say your Honor, that is our case with the exception of Mr. Dawson who we expect to have testify about the Fresno and the Vernon machines, which is an item separate and independent from what we have here. Unfortunately through some misunderstanding he won't be here until about 3 o'clock; we might call him when he comes I think it might not interfere with the progress of the case, because he is to testify to the Vernon machine and its discontinuance by the California Fruit Canners' Association.

The COURT.—Is that your case then?

Mr. CHAPPELL.—We offer the patent to C. J. Vernon, which was issued March 7, 1905, 784,527, the application being filed November 22, 1902.
[424]

Mr. LYON.—That offer is objected to upon the ground it is irrelevant and immaterial, showing on its face that the patent was upon a process, not upon a machine or combination of instrumentalities such as is in issue here.

Mr. MILLER.—We are not trying to show what his patent was; we are trying to show what is described and illustrated, and while it is not a claim for a process, it is the drawing for a machine.

(Testimony of Stewart L. Campbell.)

The COURT.—Let it go in.

(The document is marked Plaintiff's Exhibit 11.)

The COURT.—You rest except for Mr. Dawson?

Mr. CHAPPELL.—Yes.

The COURT.—Any rebuttal?

Mr. WHITE.—Yes.

**Testimony of Stewart L. Campbell, for Defendant
(in Surrebuttal).**

STEWART L. CAMPBELL, called for the defendant in surrebuttal, sworn.

Mr. WHITE.—Q. State your residence and occupation.

A. I live in Berkeley; I am occupied in the Signal Service for the S. P. Signal shop there.

Q. State whether or not at any time you lived in Kalamazoo, Michigan?

A. Yes, I did; I lived there—

Q. —Do you know Mr. S. J. Dunkley and his son Melville E. Dunkley, and if so how long have you known them?

A. I know them both; I have known them for I guess 20 years or more.

Q. Do you know Mr. F. L. Chappell, the attorney for the plaintiff? A. I do.

Q. If so, for how long? A. Since about 1890.

Q. Were you ever employed by the Dunkley Company? A. I was. [425]

Q. About what was the period of your employment by the Dunkley Company?

A. From the 1st of 1902 to December, 1904.

Q. State briefly the nature of your duties while in

(Testimony of Stewart L. Campbell.)

that company's employment?

A. I was constructing machinery.

Q. Can you give a line of the machines that you were working on during your period of employment for that company?

A. I built a syruper first—an automatic cooler, a lye-machine, peach-peeler, a couple of peach-pitters, made improvements on cherry-pitters and built a celery cutter for the chopping of celery; I also started, about half completed a soup machine for canning soups, an assorting machine for assorting ripe fruit from green fruit.

Q. During the months of July and August, 1903, what were you doing in that company's employ?

A. In July and August?

Q. 1903?

A. I was constructing a peeling-table, a peach peeling-table and filling-table.

Q. Please describe that.

A. Well, the peach-table was a long table, I think about 80 feet centers with a belt in the center, a rubber face belt to carry the fruit on, and a table which set up about 18 or 20 inches high, I should say; then there was a second platform for the women to sit on on chairs, and the fruit was placed alongside of them, alongside of the chairs on that platform, and they held the fruit in pans in front of them, on the table in front of them, and prepared the fruit, and they would throw parts of the fruit on to the belt and it would carry them along and deliver them to the filling-table, filling them into cans.

(Testimony of Stewart L. Campbell.)

Q. State if you know the extent to which that table was used in the peach season of 1903.

A. Well, it started with pears and it ran through the season of peaches.

Q. What methods were used in that cannery of the Dunkley Company [426] at South Haven during the year 1903 for peeling peaches commercially?

A. Hand peeling and peeling with hand-machines.

Q. Any other methods used that season?

A. No other method commercially.

Q. State whether or not you have any means of refreshing your memory in regard to the dates when you were building this peeling-table.

A. Yes, I have a diary of that time, a pocket diary.

Q. Have you that diary with you? A. I have.

Q. In regard to that diary state what your custom was with reference to making entries therein in regard to any event?

A. Well, all my diaries, the entries are made promiscuously; I may make the first entry in the book and I may make it in the middle or anywhere.

The COURT.—Q. It was not kept in the regular way? A. No regular way.

Q. Or chronological order? A. No.

Mr. WHITE.—Q. State whether or not that diary contains any entry referring to this peach-peeling table.

A. It contains all of the material for the table and for the construction of it, with the exception of the

(Testimony of Stewart L. Campbell.)

belt; it does not refer to the belt or pulley.

Q. When were the entries made in that diary regarding the said peach peeling-table?

A. The first entry I have got is July 6th, of the chalk and lime for laying out the table on the floor.

Q. Just read into the record that entry.

Mr. MILLER.—We object to it as immaterial, irrelevant and incompetent, reading from a diary.

The COURT.—Yes, he can refresh his memory; he can testify to the facts. [427]

Mr. MILLER.—Furthermore we have not seen this book; it has not been shown to us.

The COURT.—The memorandum is not evidence; if it was made at the time, he knows it was made at the time coincident with the fact as to what the entry states, he may refresh his memory from it, but the entry is not evidence; that would enable a very obnoxious character of manufacturing evidence.

Mr. WHITE.—Q. State just when the entries that you have referred to were made?

A. They were made in July and the last one on August 4.

Q. What year? A. 1903.

Q. Where was the lumber bought which was used in the construction of that peach-peeling machine?

A. John F. Noud Company.

Q. On what dates in 1903?

A. July 8th is the time of the first entry, from the July 8th to the 30th and August 4th.

Q. About when was that peach peeling-machine completed?

(Testimony of Stewart L. Campbell.)

A. That table was completed along in August, some time in August.

Q. Of what year? A. 1903.

Q. I hand you a photograph and ask you to state if you can identify the same? A. I do.

Q. What is that photograph?

A. It is a photograph of the peeling-table.

Mr. WHITE.—Defendant offers in evidence and asks that it be marked.

The COURT.—Q. When was it taken, do you know? A. It was taken that year.

Q. Were you present?

A. Well, I don't think so.

Q. How do you know it was taken that year?

A. Because I got it that year. [428]

Q. How do you know it was not made the year before? A. Because the table was not there.

Mr. MILLER.—We object to the photograph as irrelevant.

Mr. WHITE.—We ask that it be marked Defendant's Exhibit "V," photo of peeling-table.

The COURT.—Let it go in.

(The photograph was marked Defendant's Exhibit "V" Photo of peeling-table.)

Mr. WHITE.—I hand you another photograph and ask you to state what the same is?

A. This is a picture of the filling-table, the extension end of the peeling-table, and the pear-cooker.

Mr. WHITE.—Defendant offers in evidence this photograph and asks that it be marked Defendant's Exhibit "X," photo of Dunkley peeling-table.

(Testimony of Stewart L. Campbell.)

(The photo is marked Defendant's Exhibit "X," photo of Dunkley peeling-table.)

Q. You have referred to a lye machine; please state the circumstances under which that machine was made and what it was and when it was made.

A. Well, they had to have a lye machine to lye the peaches for the peeler and about August, 1903, the first experimenting with the lyeing of the peaches was made, and then I conceived the peeler—they wanted a lye machine for lyeing the peaches; Mr. S. J. Dunkley gave me the order to construct a lye machine so I went to work and made a drawing of the tank after I had figured out the way I wanted it, I made a drawing of the tank and handed it to him to have the tank made of boiler-iron, and he gave the order at Kalamazoo, either gave it or sent it to Kalamazoo.

The COURT.—Q. You designed it? [429]

A. I designed it.

Q. Where is the memorandum in your diary of that fact?

A. I have a memorandum of the parts of the machine. My memory tells me that I designed it.

Q. Your memory may tell you that you designed it, but human memory is most fallible for a man to carry particular dates in his mind, at least mine is; I don't know how it is with others.

A. I can check it up from the entries I have got here of the material for it.

Q. What did you have to do with the material, did you make it?

(Testimony of Stewart L. Campbell.)

A. I ordered the material for it; that is, I either ordered it through the Dunkley Company or ordered it direct; I ordered lots of the material directly.

Q. Isn't that memorandum in your diary?

A. Parts of the memorandum—this memoranda, parts of the lye machine, are on a slip of paper of the Canning Company.

Q. How did that happen?

A. I just took those down on anything I happened to have, so that I could remember and check the bills.

Q. So you did not keep everything in your diary?

A. Not everything, no.

The COURT.—We will take a recess now until 2 P. M.

(A recess was here taken until 2 P. M.) [430]

AFTERNOON SESSION.

STEWART L. CAMPBELL, direct examination, resumed.

Mr. WHITE.—Q. This morning you mentioned a peach peeling-machine constructed at the Dunkley factory. I request that you give the history of that machine from the beginning to the end, if you know the same?

A. In 1903 Mr. Dunkley, in I think about August, along in August, told me that he wanted me to build a peeling-machine for peeling peaches; that he had a man making experiments on the lye strength of it and so forth, as to how to take the peeling off the peach, and he wanted me to construct the machine, and I was to see him and get the data on the lye, what was required and go ahead and build the machine;

(Testimony of Stewart L. Campbell.)

that was while I was working on this peach-table, peach peeling-table. After I got through, I went over the next day, or a day or so afterwards to Mr. Bruncker, who was the one that was making the test on the lye; it was in the glass room attached to the main canning room, and he showed me what he had done with the lye and gave me an estimate of the time that they ought to be in the lye and the strength of the lye; he was using a hand brush and water after putting them through the lye, using the hand brush and water and rubbing the peeling off, and so from that work on the table I was figuring out just how to go to work at it, to construct it, and I think it was on the 9th, I am not certain, that it struck me about how to tackle it.

The COURT.—Q. You had not been given any ideas at all by Mr. Dunkley?

A. No, no ideas at all whatever, and this idea of using the circular brushes and the running belt for the brush, is what I decided on to try out; so I told Mr. Dunkley what I figured on and made a sketch of it, I drew a sketch of it [431] and showed him and he thought it was feasible and I should go to work and go ahead with it; so after I got the table running and I got free time I went at it. After I had drawn it out, I wanted the brushes constructed, both the rotary brushes and the belt brush, and I went over to Chicago on the boat to order the brushes, to see if they could build them there; I looked up in the catalogue and found two or three brush concerns in Chicago and one of them was close to the river; I think

(Testimony of Stewart L. Campbell.)

Mr. S. J. Dunkley, I am not certain as to the man that went with me, but somebody went with me and I think it was Mr. Dunkley; we went over on the boat; we went up to this brush concern and showed him what I wanted in the way of the brushes. He said he could build the rotary brushes but he would not tackle the belt-brush; I wanted the brush built; I thought they could take two light rubber belts and weave the brushes into one and fasten them together in that way, make a running belt brush; he said he would not tackle it, he did not think they could build it. "Well," I says, "I will have to tackle it myself," I says, "You go ahead with the rotary brushes and I will go back and see if I can not build a belt brush; then I began to figure out how to build it, and the idea struck me to take an ordinary, I think they call them fruit brushes, they were about 5 inches long, and I got those brushes up town in South Haven; I got a rubber belt and I took the brushes and cut them in two to make short brushes, and I fastened them to a belt with brass screws, two screws in each brush; put them right through the belt and screwed them into the wood part of the brush; I thought the thing was all satisfactory, so then I went to work on building—I got the brushes, constructed the belt myself and after completing that, that is the first thing I built on the machine; then I [432] went to work on the wood work, the framework; I constructed the frame myself entirely; I think I had a man, Mr. Bunker, helping me hold pieces; when I wanted to hold them in the machine I would

(Testimony of Stewart L. Campbell.)

go and get Brunker; when I had completed—I was off and on, I was attending to other work along with it at the time, it took sometime to finish the machine; the brushes arrived, I assembled the parts, had certain parts made up at the little machine-shop in South Haven, and picked up parts of the machine, shafting and boxes and things like that, anything I could get hold of; I had not at that time figured out just how I would want to drive the machine; whether to drive the brushes with a belt or drive them with a sprocket and chain; my first idea was a sprocket and chain to drive them; finally as I could not find any gears around to put on to it I made up my mind just to have a friction-gear, so I drew up a sketch of it, and drew it up in my diary, the diary that I have got in my pocket and went up to Mr. Mapes' machine-shop and gave an order for it, and he built it; I attached it and tried out the machine; it worked satisfactorily; then when that was completed I went up to Kalamazoo and started to work on the other machine.

Q. Before you go to your other machine I will ask you to state whether or not any test of this first machine was made, and if so what were the circumstances?

A. Yes, we made a test right at the finish; I ran it through with Mr. Brunker; Mr. Brunker prepared the lye and peaches and I poured them into the end of the machine, and they shot through and dropped out into a tank of water and they were perfectly satisfactory in every way; that is, it did good work, and I showed it to Mr. Dunkley and he seemed impressed

(Testimony of Stewart L. Campbell.)

with it and said it was all right; sometime after that he suggested that we build a machine that would do just about three times as much, [433]

Q. What was this vessel in which Mr. Brunker heated the solution for the peaches at the time of the test?

A. I am not clear as to that; my recollection is that it was a pan.

The COURT.—Q. A pan? A. Just a pan.

Mr. WHITE.—Q. Where was the solution heated, by what means, at that test?

A. It was heated on a gasoline or gas stove, I don't know which now, right in the same room where I made the test.

Q. What connection if any between that stove and the pan thereon and the machine which was being tested?

A. No connection between them; the stove set, I should say, about 30 or 35 feet away from the machine, I guess, when the lyeing was done, between the office and the stairway, going up from the room.

Q. About what time was this first test of this machine made?

A. It was made along late in October,

Q. In what year? A. 1903,

Q. Now to what extent was the machine tested out with respect to the number of peaches put through that machine?

A. I don't remember exactly, two or three bushels.

Q. Then after that when was this machine used again?

(Testimony of Stewart L. Campbell.)

A. I don't remember of that machine ever being used after that.

The COURT.—Do you mean to say it never was?

A. It never was to my knowledge.

Q. Q. I thought you said it worked very successfully?

A. It did in the test.

Mr. WHITE.—Q. What have you to say regarding the construction of that first machine as a commercially built machine or a machine adapted for commercial use? [434]

A. It was not built—it was built for a tryout machine; I picked up just what I could find to build it with.

Q. What have you to say with regard to the efficiency of friction-gears in a machine of that character?

A. Friction-gears with a machine like that is all right for a trial, but it would not be any good for a permanent machine.

The COURT.—Q. What is a friction-gear?

Mr. WHITE.—Will you show the Court the sketch that you have in your diary of that friction-gear?

The COURT.—Let him describe it to me. I do not care anything about his sketch; I could not tell when it was made.

A. A friction-gear is—I say a friction-gear—friction is about the proper term for it, but we call it a gear because it is in the shape of a gear and runs together about as a gear would when they do not inter-

(Testimony of Stewart L. Campbell.)

lock, merely together from friction and rub up one against the other.

Q. They rub, one against what?

A. One wheel against another wheel.

Q. Iron or wood?

A. Well they are made of different things, but this was made of a small gear of leather; on the other I intended to make it of wood, but I could not say as to whether it was wood or iron.

Mr. WHITE.—Q. Who made that friction-gear?

A. Mr. Mapes had a little machine-shop at South Haven.

Q. I call your attention to a device that has been offered in evidence here as "Plaintiff's Exhibit No. 10" and ask you to state if you can what the same is.

The COURT.—It is that framework that stands up.

A. That looks like the frame of the original model.

Mr. WHITE.—Q. Could you state whether or not it was the frame of the original model by examining it? [435]

A. I could I think, if I examined it.

Q. I will ask you to examine it and determine that fact.

A. That is the framework and the pulley of the original machine and boxes; the brushes and drive-wheels and gear or friction are not there.

Q. I call your attention to the bevel gears on this machine which are attached to the pulley on the shaft at the far end and ask you to state what function those gears performed in the operation of that machine at the time of this test.

(Testimony of Stewart L. Campbell.)

A. No operation whatever; it was merely a first idea I had of connecting up that chain to turn the rotary brushes; I figured I could get bicycle gear or something handy and put it on to the shaft to turn it with, and then I changed my mind and put on the friction and left that right there.

Q. Thereafter were these bevel gears used for any purpose in connection with this machine so far as you know? A. Not that I know of.

Q. State if you know where the pulleys came from which are on this "Plaintiff's Exhibit No. 10"?

A. A couple of them came from Mapes' place I am pretty positive about—the fruit boxes there and one pulley I think I picked up right down in the factory lying alongside of the wall; they are post boxes and put on there in an upright position; they are not the shape the boxes are supposed to be in; they are not built for that purpose.

Q. Now, go on with the history of any peach peeling-machine that you had knowledge of at the time at the Dunkley factory?

A. After that season, after the tryout of the small machine, I had several machines on hand to build, and one of them was a triple machine, peach peeling-machine. The lye machine I built; I made the drawings of the framework of the triple [436] machine, I don't remember whether I built the framework or had it built, but I think we had it built in Kalamazoo and shipped over to the factory; but that was constructed during what we call the winter season or the season between the canning seasons and

(Testimony of Stewart L. Campbell.)

was shipped down to South Haven along with other machines and I erected them and finished them there and they were put into operation along about the 1st of September—along in the first of September.

Q. In what year?

A. Of 1904, the following year.

Q. Up to the 1st of September, 1904, how many peach peeling-machines had you built there at the Dunkley factory in Kalamazoo or South Haven?

A. Just those two, the single model and the triple machine.

Q. Where was the lye-tank purchased for this second machine?

A. That was purchased in Kalamazoo from the Clark Engine & Foundry Company—I have got the proper name here—Clark Engine & Boiler Company of Kalamazoo, Michigan.

Q. What instructions if any were given to that concern for the building of this lye-tank?

A. I don't know that because I handed the cut of the tank to Mr. Dunkley or some of his clerks, but it was not ordered by me, that tank; it was ordered through the company at Kalamazoo; I would not be certain, but I understood at the time that Mr. Melville Dunkley placed the order but I did not order it direct.

Q. State if you know when or about when that lye-tank for this second peeling-machine was delivered by the Clark Engine & Boiler Company to the Dunkley Company.

A. It was delivered January 30, 1904.

Q. At what place was it delivered?

A. At the factory in Kalamazoo. [437]

(Testimony of Stewart L. Campbell.)

Q. What if anything was done with that lye-tank at the factory in Kalamazoo?

A. It was set up on the legs there, put together and partly put together—the machine, and then shipped to South Haven along with the peeling-machine later.

The COURT.—Q. Why was it set up in Kalamazoo?

A. Just merely to see that everything was all right; it was near the foundry and machine-shop there.

Q. Then knocked down again?

A. I don't just remember whether it was taken off those legs; I think I did not help ship it.

Q. Did you follow it down and set it up?

A. Not right then, but I did later; I was working on other machines, I was draughting out the machines at the time and making patterns and having patterns made up in a separate room; Mr. Melville Dunkley and a couple or three other men were setting this up under my orders, that is, not my order to set it up. Mr. Melville Dunkley came to me and wanted to know if he could assist me in the work and I told him that had to be set up and he took men and set it up.

Mr. WHITE.—Q. State if you know where the gears for this second peeling-machine were purchased, and when.

A. They were purchased in Boston, Boston, Massachusetts.

Q. From what concern and when?

A. From the Boston Gear Works in—I went there in 1903, in December along Christmas and holidays, and I made out a list in Boston of all these gears for

(Testimony of Stewart L. Campbell.)

all of these machines, and got the costs of them, and jotted it down on a piece of paper, a letter-head of a photographic gallery in Boston where a brother-in-law and sister of mine were operating there, and I made a list of the gears that I wanted there and jotted them all down [438] on this piece of paper, itemized the cost of them, added them up, totalled up the cost, and the cost of the trip, and added on the supposed freight or express, or what they tell me it would cost to ship them.

Q. What was the purpose of that visit of yours to Boston, in December, 1903?

A. Merely to see what kind of gear I could get ready made or get made to order for the different machines.

Q. What different machines?

A. There was a peeler, a sorting-machine, fruit canning machine; I think that was all of them.

The COURT.—Q. Did you conceive and build all these machines? A. I built them all, yes.

Q. I mean out of your own head.

A. All now with the exception of the soup machine, that originated with Mr. Melville Dunkley, as I understand it; he undertook the drawing of it, first undertook it, he and Mr. Arthur Norton together, to build that machine, and while I was engaged in the construction of the drawing of the parts of other machines, Mr. Melville Dunkley came to me and told me there, he says, "We will have to turn this over to you Stewart, to construct, we find we are not mechanics

(Testimony of Stewart L. Campbell.)

enough"; those are the words he used. They turned that machine over to me.

Q. But these other machines you constructed without any suggestion from anybody; they simply stated that they wanted them? A. Yes.

Q. They gave you no drawings or anything?

A. No drawings whatever; I made the drawings, the working drawings of all of them.

Mr. WHITE.—Q. Where did you get the chains that were used in the lye-tank for this first commercial machine?

A. I got that part of that work from the Jeffrey Company and [439] part from the Weller Manufacturing Company of Chicago.

Q. About when did you make those purchases?

A. That was along in—the order might have been placed in the end of 1903 or the fore part of 1904; I have no data in regard to the exact date of the order; I just merely made a copy of the order, of the items in it, so that I could check it up when the bill arrived.

The COURT.—Q. You did not keep any memoranda of the date in that respect?

A. No, I was lax on dates.

Q. Those other things that you have in your diary have dates to them, haven't they?

A. Some of them, yes, but the dates on some of them—it is in a 1903 diary, that is the date it was printed, 1903, but the items, some of them, have got the month and the day, but even so, with their being in the 1903 diary, in placing them promiscuously all through the diary, it does not mean everything was in

(Testimony of Stewart L. Campbell.)

there in 1903; some items are in 1904 after I arrived here in San Francisco.

Q. You came out here in 1904?

A. I came here in 1904 and then again in 1905.

Mr. WHITE.—Q. Where was this first commercial machine tested and set up for use?

A. I think it is called the North wing; it is the wing that the office is in in the cannery, on the ground floor, on the lower floor, and placed not many feet from the stairway nor many from the engine-room, near one of the posts in the floor, the support of the upper floor.

Q. Are you referring to the first machine or the first commercial machine?

A. You say the first commercial machine?

Q. Yes.

A. The first commercial machine was placed on the second floor right in the same position as this peach peeling-table; they took out a great part of this peach peeling-table to place the peeling-machine and the lye machine and the pitters, and they [440] delivered the stuff on to the remainder of this peach peeling-machine as a sort of an inspecting table, but I don't remember just how much was left, probably 20 or 25 feet.

Q. When was that commercial machine first used?

A. I left there the 3d of September, 1904; I tried it out there; we probably ran anywhere from 5 to 20 bushels, I could not say exactly the number of peaches, through it.

The COURT.—Q. When was it put in operation?

A. The operation of the tryout is all I know about,

(Testimony of Stewart L. Campbell.)

it was not into regular use for the season when I left there.

Q. When was it put into operation, I say?

A. In September—well, August probably,—a couple of days before I left—it would be in August of 1904; the commercial machine.

Q. You said a few minutes ago that you afterwards built a triple machine of the same kind in 1904 and it was put in operation in September; is that correct?

A. In September, I quit there the 3d of September and it was a few days before I quit that the test was made; it was not really in operation for the season: it was just after the tryout.

Q. Then that would have been in August?

A. It probably was in the end of August.

Q. How did you come to say it was put in operation in September of 1904?

A. Well, I meant that it was put into operation for the run of the season in September.

Q. Were you there to know whether it was?

A. I know that it was because the man that was in charge of it told me that it was.

Q. You know it by hearsay?

A. That is the first of the season; the season runs into September or the 1st of October for peaches, about five weeks I should judge. [441]

Q. Have you lived out here since 1904, did you say?

A. Yes, since 1905. I came here just on a trip in 1904.

Q. What is your business?

(Testimony of Stewart L. Campbell.)

A. I am now with the Southern Pacific in the Signal Service.

Q. How long have you been there?

A. I have been there since 1905 in August.

Q. What was your business originally?

A. My original business before I went with Mr. Dunkley was, I was an electrician.

Q. An electrician? A. Yes.

Q. Had you ever done anything in general mechanics before that?

A. A little in the line of electric work, some mechanics. And then I was always of an inventive turn.

Q. Had you ever taken out any patents?

A. Yes.

Q. What on?

A. I took one out for a part of a Tungsten arc lamp; that was the first.

Q. That is an electric patent? A. Yes.

Q. Have you ever taken out any patents in general machinery of any character?

A. I took out a pitter after I came here; I had a window display, not in what you call machines, a window display with an electric machine; this pitter-machine of course was a canning machine, an orchard pitter; those are the only three things that I ever patented.

Mr. WHITE.—Q. You referred to a patent on a pitter; I ask you if this is the one that you refer to.

A. Yes, that is it.

Q. What attorney represented you in connection with this patent?

(Testimony of Stewart L. Campbell.)

A. Mr. Chappell on all three patents.

Mr. WHITE.—Defendant offers in evidence the patent referred to and asks that it be marked “Defendant’s Exhibit ‘Z,’ Campbell patent of December 12, 1905, for a pitting-machine.” [442]

(The drawing is marked “Defendants’ Exhibit ‘Z,’ Campbell Patent of December 12, 1905, for a Pitting-Machine.”)

The COURT.—Q. When did you first learn that Mr. Dunkley had applied for a patent on the machine that you conceived and built?

A. I think in August or September of this last year, 1915.

Q. You had never heard of it before?

A. Never had heard of it.

The COURT.—Is that all?

Mr. WHITE.—No, your Honor.

Q. I refer you to three drawings and ask you to state if you can what they are, what they represent.

A. These are drawings that I made for you of the Dunkley factory as I remember it, from memory entirely.

Mr. WHITE.—Defendant offers the drawings in evidence and asks that they be marked “Defendant’s Exhibit ‘AA,’ Campbell Drawings, Dunkley Floor Plan.”

Mr. MILLER.—Let us see them before you put them in evidence.

Mr. WHITE.—I might say that these blue-prints, Mr. Campbell were made from enlargements of those drawings.

(Testimony of Stewart L. Campbell.)

Q. During the year 1903 was or was not this plaintiff's machine exhibit "No. 10" in the factory at Kalamazoo?

A. I never saw that machine in the factory at Kalamazoo.

The COURT.—Q. You made it there, didn't you?

A. Not in Kalamazoo, South Haven.

Q. You made that in South Haven; the other you made up in Kalamazoo?

A. The other was made in Kalamazoo.

Q. How did that come about?

A. Kalamazoo was the parent plant, that is, the winter headquarters of the concern, and that was where I lived and where most of them from the cannery lived. [443]

Q. How did it come you did not build this in Kalamazoo?

A. I was at South Haven; I was working there at the time, and that is where it was built.

Q. Did you have appliances there in the way of a machine-shop?

A. We had nothing only the small machine up town at Mr. Mapes' machine-shop, no machines up in the factory.

Q. Where did you get the work done that was put on that frame?

A. I did the work myself in the factory by hand.

Q. The iron work as well?

A. The bolts and the hardware I bought, but the iron work and boxes and those things were made in Mr. Mapes' place, and the wheels, I got a couple of

(Testimony of Stewart L. Campbell.)

wheels, I think there was some iron work that was done in Mr. Mapes' place—what iron work was done was done in Mapes shop.

Q. You say that Mr. Dunkley said he wanted you to construct a peeling-machine and to go to Bruncker who was making lye tests and get—what did he send you to him for, to get suggestions from him?

A. Well, I had to get the length of time that the peaches had to remain in the lye.

Q. Why?

A. Because the machine would have to be built, on the lye part of the work—

Q. —What had that to do with the mechanical features? A. Nothing to do with the mechanical.

Q. Why was it necessary for you to get the strength of the lye?

A. The strength of the lye—I had to know how the lye would affect these peaches, the skin of the peach.

Q. That did not make it necessary for you to know what the necessary strength of the lye was; you were not operating the machine, but you were simply to construct something that would take peaches from the lye and remove the disintegrated skin?

A. Well, I had to know something about the strength and what effect it would have on the skin of the peach in order to make a [444] machine that would take the peeling off.

Q. But that did not render it necessary for you to know the strength of the lye. All he had was the result produced by the lye-bath?

A. For the actual peeling, yes, the peeling end of

(Testimony of Stewart L. Campbell.)

it, but I understood perfectly well that this peeling for the machine was to be done in lye.

Q. The use of the lye was no part of the mechanical process, was it?

A. Yes, in the lye end, the lye machine was the mechanical end.

Q. Were you requested to construct the lye-tank?

A. I had to construct everything that was constructed around the factory in the line of new machinery.

Q. But you said awhile ago you did not use any regular tank for this experimental machine, that you did it in a pan situated about 35 feet from the apparatus.

A. Yes, I understood though that the experimental machine was to be something in the line of a permanent machine, if I built one.

Q. What I am trying to get at is why it was necessary for you to be instructed as to the strength of the lye-bath, to accomplish its function.

A. Not anything particular as to the strength of the lye but of the effect the lye would have on it; I had to know something about the effect of the lye.

Q. But you stated that you went to Mr. Bunker and saw what the law tests were, how strong the lye had to be or the bath or whatever it was, and I was wondering what that had to do with your part of the work?

A. Nothing, only that I was to get the general instruction from Mr. Brunker of the lye and the use of it and how it was applied and all that in that hand

(Testimony of Stewart L. Campbell.)

test; all my machines were built principally from the way they were used by hand; I would take that idea as a starting point and [445] from that I would—

Q. (Intg.) What do you mean by all of your machines?

A. Every machine that I built, that they done any handwork.

Q. What were they?

A. There is the cooker for instance; they done all of that stuff by hand before that and I had to make an automatic cooker, to handle the whole outfit of the factory.

Q. What else?

A. For instance a sorter; they sorted them all by hand; they would peel the peaches as well as to look at them in order to separate the ripe ones from the green ones. Now, I would take it from there and construct a machine to do that work instead of using handwork.

Q. How old were you at this time?

A. Well, I am 55 now. I was then about 42.

Q. What had you been doing for a livelihood up to the time you went to Dunkley?

A. I was for a year or two before that in the electric business; I was contracting in the last year.

Q. What form of electrical business?

A. In selling electric lighting and machines and motors and small isolated plants.

Q. The year before that what had been your previous callings?

(Testimony of Stewart L. Campbell.)

A. Well, my previous calling was operating in an electric plant in that town, in Muskeegan, Michigan, and just prior to that year, when I was constructing electrical work around the state I had been to Alaska for 19 months.

Q. For what? A. Prospecting.

Q. Prior to that? A. Prior to that.

Q. And prior to that?

A. I had been operating this electric light plant in Kalamazoo, Michigan.

Q. In what capacity? A. Superintendent.

Q. What was the light plant, what did it consist of?

A. It consisted of arc lights at first and then finally they [446] brought out the incandescent lamps.

Q. You had to be familiar with electric appliances?

A. Yes.

Q. Are you a carpenter?

A. They call me a carpenter now.

Q. I am saying are you a carpenter; were you educated as a carpenter?

A. Nothing only just from picking it up; that is all my education.

Q. Is that required in electric appliances?

A. To some extent, not a great deal.

Mr. WHITE,—That is all.

Cross-examination.

Mr. CHAPPELL.—Q. When did you enter the employ of the Dunkley Company? A. In 1902.

Q. In what month?

A. I am not certain as to the month, but I think

(Testimony of Stewart L. Campbell.)

it was January, the fore part of the year.

Q. Was it as late as April, 1902?

A. No, it was not.

Q. What was the first work you did?

A. Well, I am not certain exactly as to the first work for the first few days—the first few days I was practically looking around the factory for some time and observing things, under his instructions.

Q. Do you remember ever having wired a house for him?

A. Yes, I remember wiring a house in South Haven.

Q. For whom did you do that?

A. For Mr. S. J. Dunkley.

Q. Do you remember when that was?

A. That was after I had got down to South Haven for the season, as I remember it.

Q. How long did it take you to do that?

A. I don't know exactly; it would not take very long; if I did the work alone, and I think I did, it would take probably a week or two and maybe not that long; it depends on how serious it was; I have forgotten just exactly what the work consisted of.

Q. After that you wired the factory, didn't you?

A. I partially wired the factory, yes. [447]

Q. Who helped you? A. On the factory?

Q. Yes.

A. I don't remember who was with me at first; Mr. Triece did some of the work on the factory.

Q. How long did that take you?

A. I don't remember.

(Testimony of Stewart L. Campbell.)

Q. After you wired the factory then what did you do?

A. Well, I did some wiring too in the office at the pier.

The COURT.—Q. Where?

A. Down at the boat dock, Mr. Dunkley had an office at the boat dock—not complete at that time; I done some wiring at that time, I don't just remember what it was.

Mr. CHAPPELL.—Q. The wiring was not complete you mean in 1902 at the office on the boat dock?

A. It might be complete in 1902, but not at the time I was there wiring it, in the fore part of the year I think I was there.

Q. Where did you meet Mr. Dunkley and negotiate with him for employment?

A. In his office in Kalamazoo.

Q. What was stated at that time?

A. I could not remember all that was said.

The COURT.—Q. Didn't you make a memorandum of it?

A. No, I did not; if I did I have not got it now.

Q. You know in a general way what you stated to him; you wished employment at that time?

A. I went to him for employment on the suggestion of a brother of mine as a friend of his.

Q. What was the character of the employment you asked him for?

A. I don't remember if I asked him particularly for any kind of employment; I think that I told him

(Testimony of Stewart L. Campbell.)

I heard that he had machinery to construct and that—

Q. —Did you tell him you were a machinist?

A. No.

Q. How did that come about?

A. He knew in a general way—I was friendly with Mr. Dunkley for years before that.

Q. I am trying to get at what you represented to him was your particular line of work? [448]

A. I don't think I represented any particular line any more than he knew what I was working at.

Q. What were you working at?

A. I was working on electrical construction.

Q. After you got back from Alaska?

A. Yes; I presume he thought that this wiring had to be done, that was one thing he employed me for; he did not pay me very great wages; so it could be most any work so far as I was concerned.

Mr. CHAPPELL.—Q. What were the wages he paid you first?

A. My recollection is it was \$60 a month the first month, and for the first few months until I went down to South Haven.

Q. When did you return from Alaska and the Klondike?

A. I returned from the Klondike in 1899.

The COURT.—Q. I thought you stated you returned from Alaska about a year before you went into Mr. Dunkley's employ?

A. I said I had been working at this electric construction about a year.

(Testimony of Stewart L. Campbell.)

Q. That was after you came back from the Klondike?

A. I did not go with him immediately after I came back from the Klondike; I had been working at Saginaw at the Crane Electric Company and for some other firms; I was with my brother there, another brother in Saginaw; we were in the electric construction together; he was hiring me—no really steady everyday work.

Q. For how long a time did you keep a diary?

A. I have kept diaries off and on back to '83 anyway, that I know of; I have got them yet.

Q. Are you able to refer to your diary and refresh your recollection as to when you entered the employ of the Dunkley Company or Mr. Dunkley?

A. No. This you understand is not a daily diary; I did not jot down from day to day everything that happened there. [449]

Q. It is hardly a diary, it is a memorandum-book?

A. A memorandum or note-book; it is a diary, the book, it has that printed on it, and I have always called it a diary, but I presume that really is not a proper name for it.

Mr. CHAPPELL.—Q. You did not note down the compensation you were to receive and make a memorandum so that you would have that to go by when you entered into the contract?

A. I think I had that in a diary at the time, yes; lots of these diaries have been lost, or these note-books, a good many; I have not got them all; I have

(Testimony of Stewart L. Campbell.)

only got one here and there; I have a complete diary of every day I was in Alaska, from the time I went there, practically every day until I got back; that is the only complete diary I have kept in my life.

The COURT.—Q. What material is that wood-work—what wood is that framework made of?

A. I could tell by looking at it.

Q. You would remember that, would you not?

A. No; it is either oak or maple it would be constructed of; I always preferred maple, so I don't know really what it is. It would depend on what I could get there.

Q. When before this had you ever done any carpenter work?

A. I built a house complete in Saginaw, Michigan, even building the chimney.

Q. When was that?

A. That was a long while back, I could not say exactly; it was back in the 80's some time.

The COURT.—Proceed.

Mr. CHAPPELL.—Q. Did you get any raise in salary with the Dunkley Company?

A. I did, yes; I was raised several times.

Q. When was the first raise?

A. I could not state exactly when the first raise was; I think it was when I went to South Haven; I think I was to get a higher salary when I went down to [450] South Haven; I was just working in the factory when he paid me \$60 a month and I did not have much to do until we got to South Haven.

Q. Just when did you go to South Haven?

(Testimony of Stewart L. Campbell.)

The COURT.—I want to ask him how long it was—you stated for the first time you were there you just wandered around the factory; how long did he pay you for that work?

A. I could not say exactly, a month or so, or two months maybe.

Q. What was the idea?

A. I will say one thing, I did do odd jobs, but I was merely to get the run of things and then he showed me about this hand-syruper he had, and he wanted an automatic syruper built; I was figuring on that some time, making drawings, and I think patterns too at that time before I went to South Haven I was doing some of this work there on the syruper.

Q. When did you go to South Haven for the first time?

A. In 1902; I could not state exactly, but I think about April, probably March; I was very early that year.

Mr. CHAPPELL.—Q. Was not that the date of your first employment by either Mr. Dunkley or the Dunkley Company, April, 1902? A. No.

Q. Did you not go to South Haven and wire Mr. Dunkley's house for the first work that you did?

A. No; I done work around the factory before I went down to South Haven; I don't remember that I made a special trip to wire his house; I did that before I got down there.

Q. Then you went back to Kalamazoo for a time after you were there in April, 1902, before the fruit season began?

(Testimony of Stewart L. Campbell.)

A. That season I lived in Kalamazoo; I was back pretty nearly every Saturday night and down again Monday morning, and I went on a pass furnished by Mr. Dunkley most of the time in 1902. [451]

Q. You don't remember when you got your first raise in salary? A. Not exactly, no.

Q. Was it not June, 1902?

A. It might be; it was the understanding I was to get a raise when I went down to engage in the regular work at South Haven.

The COURT.—May I see that diary of yours?

A. Yes.

The COURT.—Proceed.

Mr. CHAPPELL.—Q. Do you remember to what amount your salary was raised when you began regular work at the factory?

A. I do not, but I think about to \$75.

Q. About how long did you continue at \$75 a month?

A. I could not state exactly, but I think the next raise was when I took a trip to Arizona in I think April.

Q. April of what year? A. April of 1903.

Q. What was the occasion of your taking a trip to Arizona, anything to do with the business?

A. No; I was just fagged out from the business, and I thought I would take a trip and get it off my mind; I could not sleep right.

Q. How long were you gone?

A. Probably ten days; I do not just remember exactly; not very long. Down and back, stopping there

(Testimony of Stewart L. Campbell.)

a day at Wilcox, Arizona.

Q. As a matter of fact your next raise was in August, 1903, was it not?

A. After which,—after this April?

Q. No, after you were increased to \$75 a month.

A. I could not state as to the raise; I could not remember exactly.

Q. What had you done that caused an increase in your pay? A. After the \$75 you mean?

Q. Yes.

A. Well, I don't know what I done particularly to cause the increase, any more than I was working on the construction of this cooker, figuring it out as to how to build it and this syrup machine; I had several machines under way; [452] I don't really know why he offered it; he offered it himself, the raise, not from any asking of mine.

Q. Do you remember working on a peach pitting-machine for the Dunkley Company?

A. A peach pitting-machine—I built two of them.

Q. When did you build those?

A. I built those—the real building of them was in 1904; there might have been some portion of them built in the end of 1903.

Q. You say the end of 1903; do you mean in the peach season of that year?

A. No, I do not; I mean after the peach season; I would do what little experimenting that I had to do in regard to that during the season; but all this machinery, most of it was built between seasons when you could not get the fruit to try out anything on.

(Testimony of Stewart L. Campbell.)

The COURT.—Q. Mr. Campbell, do you carry this book right along, since the year of its date, 1903 or 1902? A. Yes, sir.

Q. I mean did you carry it right along in your pocket? A. I found it in a trunk.

Q. When did you find it?

A. I don't remember how long ago it was.

Q. There are a good many entries here that look very much brighter and some are fresher, I should say. A. I noticed that.

Q. They must have been recently made?

A. Some of them were recently made.

Q. How did that happen?

A. I do not mean recently. I mean made since I have been in California.

Q. You would not carry a book of this date for other years, would you?

A. I would carry it right along sometimes, yes, later.

Q. Of course you could not carry it before it came out. [453]

A. No. I mean I would carry it in a way the next year, the year after it, carry it around in my pocket.

Q. Here is an entry; when was this page done by you; that looks new? A. That was recent.

Q. Now, on page 67 there are two entries here that look very much brighter than others. The one at the top is as follows: "gear for sorter." When was that put there?

A. I could not state exactly when it was put there, but it was put there while I was working on the

(Testimony of Stewart L. Campbell.)

sorter, which would be the experimental work on the sorter, I done in 1902 during the peach season, the first year I was with them during the peach season, down in the office of the factory.

Q. Why should it look very much fresher?

A. I could not state that.

Q. Here is one, "Miss Brown, 3017 Fulton Street, Berkeley"?

A. That is in Berkeley; that is since I arrived.

Q. That is since you came out here? A. Yes.

Q. And yet the entry as to the sorter is brighter?

A. It may be from the class of pencil or pen or whatever was used in it; but I think other books I have got show just the same way in that respect.

Q. Here is an entry that is quite fresh looking, "Second-hand mach. H. S. White Machine Company, 131-2 Beale Street, San Francisco"; when was that made? A. That was since I arrived here.

Q. Since you arrived here has been about 10 or 11 years, hasn't it? A. Yes.

Q. Did you carry this book right along throughout these years?

A. I carried it along here, a long time, I don't remember how long it was.

Q. You said you found it in a trunk? A. I did.

Q. Here is one that is very new, "U. C. Ward, Willows, California, [454] P. O. box 481"?

A. I can remember about that White machine that you read about there now and know what it was for, and that was probably in 1912, about that time, when I was building a machine here for a tomato machine

(Testimony of Stewart L. Campbell.)

for peeling and cooling tomatoes; and I wanted to buy a lathe and I went over there to see if I could buy a second-hand lathe.

Q. Did you build more than one sorter?

A. I did not complete the sorter; I built two or three of them at the same time, about half completed they were, when I left there.

Q. That entry that I called your attention to on page 67, "gear for sorter," as I suggested, looks very much fresher than the other matter on the page?

A. I never built any sorter but that sorter.

Q. On page 228 another entry, "sorting machine, square tube arms, 2 flange cast wheels," what does that refer to?

A. That refers to a part of the sorting machine, and that was an entry made in South Haven.

Q. That looks much more recent than for instance on the previous page; it is almost obliterated there; that is very bright there?

A. You will notice there there is one long entry in there that seems to be rubbed almost out.

Q. Yes, several of them.

A. I think it is on account of the lead in the pencil more than anything.

Q. I am asking these questions, Mr. Campbell, because the evidence you are giving is material, and I have got to know the truth.

A. Here is another note-book; just see if you can whether it has the same effect in that (handing).

Mr. CHAPPELL.—Q. Who designed this sorter

(Testimony of Stewart L. Campbell.)

that you refer to? A. I designed the sorter.

Q. When did you do that?

A. I done that along with the peeling-machine and the lye-machine and the pitters, along about the same time, although the experiment work of the sorter [455] was started earlier, a certain part of it, one part of it was ordered before the machine was really under construction, that is, actual construction at South Haven.

Q. What date did you order that?

A. I could not say from remembrance; I could not say exactly. I would think about in September, about there or October, September I think, 1903, although I am not certain.

Q. What grades and what dimensions did this sorter work on, and what kind of fruit was it to assort?

A. It was to assort ripe peaches from green. I built it on the principle of a cylinder about like the cherry-pitters, with pockets to take the peaches in, and I think if I remember right, about 5 pockets in a row in the cylinder, and the sorting was to be done by needles penetrating the peach about $1\frac{1}{2}$ an inch or so. The idea was that the ripe peach would not adhere to the needle and the green one would; I tried that out in my first experimental work and I was constructing the machine under that principle.

Q. Did you show that to Mr. Dunkley?

A. I did, right in the office, my first experimental work, right in the office of the cannery in South Haven.

(Testimony of Stewart L. Campbell.)

Q. Did you show that to Mr. S. J. Dunkley?

A. Mr. S. J. Dunkley.

Q. You say that you showed that to him as the first of your experimental work?

A. I did; I sent out from the office and had a box of peaches sent in and took some nails and pins, and showed him my idea that I had thought of, right there in the office while I was sitting there, and he, in the other end of it.

Q. Why was it desirable to sort the riper peaches out?

A. That was their habit; that is all I know about it; I saw the men sort it there; I knew nothing about the canning business [456] any more than he would tell me to obtain a certain result and I would go after it.

The COURT.—Q. Mr. Campbell, with reference to the machine that you state to be your construction, Mr. Dunkley never gave you any directions as to it, never gave you any ideas about it?

A. He just simply told me he wanted such a machine built.

Q. Was he in any wise given to inventing anything do you know?

A. I think so before that, although I don't know; it is all from hearsay.

Q. How do you account for his just simply saying, "Campbell, I want such and such a machine, you go to work and build it," without giving you any suggestion?

A. I did not attempt to account for it any more

(Testimony of Stewart L. Campbell.)

than he thought I was pretty handy.

Q. How long have you known him?

A. I have known him for years before that.

Q. How many years?

A. As I say probably—I don't know exactly—20 or 25 years.

Q. What was the character of your acquaintance?

A. Not before that time—20 years from now.

Q. How long before you went into his employ?

A. Probably 9 or 10 years—maybe 8, or maybe not that long—7 or 8, probably more; I could not just exactly say.

Q. Three or four of these years you had been out of his district of country entirely, hadn't you?

A. I had.

Q. What did he know about your capacity?

A. Well, nothing I guess, only he probably saw this window display there and had *on* exhibition.

Q. Window display of what?

A. Electrical stuff.

Q. I am talking now about the feasibility and ease with which you say you constructed these different mechanical appliances for particular purposes. How did he know anything about your capacity in that direction?

A. I don't know unless he got it from my brother, or probably hearsay; I would say I don't know.

[457]

Q. Was your ability in that regard pretty well established in that neighborhood?

(Testimony of Stewart L. Campbell.)

A. I don't know, I am sure.

Q. Had you ever built any machines of that kind for anybody else?

A. Nothing more than this that I exhibited.

Q. You are always talking about these electric appliances. That is a particular field of mechanics in itself, is it not? A. They are machines, though.

Q. They are machines, yes, but I am talking about machines of a different character. Had you ever constructed any machinery of any other kind than electrical appliances? A. Nothing, not.

Q. So that you could not have had any reputation for general mechanical genius? A. No.

Q. And yet he simply said. "I want you to build me," for instance, "a peach-peeling apparatus, and go ahead and find out about the lye process, and then go to work?"

A. He told me when I went to him that he had to build a line of machines to handle this work which was done by hand, and that he thought I could work in with it.

Mr. CHAPPELL.—Q. What was the highest salary you received from the Dunkley Company?

A. \$100 a month and expenses while at South Haven.

Q. What was the occasion of your quitting the employment of the Dunkley Company?

A. Well, S. J. Dunkley, after I had constructed—I think it was after I had constructed this model machine, one day I was standing beside it, I forget whether I was working on it or not, but after I had

(Testimony of Stewart L. Campbell.)

made the test, Mr. S. J. Dunkley and an official of the American Can Company from Maywood, Chicago—that is what they told me he was—came by, and they stood at the machine, and S. J. Dunkley was telling [458] him what it would do, and he said, “That machine is worth \$25,000 to me.” I said, “What do I get out of it?” That is the words I put to Mr. Dunkley, and he kind of smiled and passed on; some time after that, I am pretty sure it was, he came to me and told me that Mr. Norton, as I understood it, had authorized him to state that I was to get \$5000 when I completed this line of machinery for him, as I understood it, the peach-peeling line, the lye machine, the peeler and the pitters. Mr. S. J. Dunkley, some time after, a few months, I overheard him, I think, to Mr. Wing say, but I am not certain, but to somebody, I heard him say, \$5,000 in stock; then it struck me—I didn’t ask him at the time, that he was figuring to pay me in stock, because he was selling stock in this machine where I was at work; now I thought, he intends to pay me in stock, but I wanted to see how the machine would work out, that I had constructed, and I stayed with him, finished them up and put them in operation; then he came around to me and told me that I was to get \$5,000 in stock; I says, “\$5,000 in stock isn’t \$5,000;” I says, “That won’t satisfy me, and I will drop it right here.”

The COURT.—That was a gratuitous offer on his part, was it not? A. That was.

Q. You were working for a salary all the time?

(Testimony of Stewart L. Campbell.)

A. I was. It was an offer, though, that set me to work night and day, on the work, to turn it out.

Q. What work?

A. On the construction of this line of machinery.

Q. When he came along and this suggestion was made, you had already completed the model?

A. The model, yes.

Q. It was a mere matter of anybody following the model, was it not, as far as construction was concerned?

A. The pitters had [459] not been constructed, nor the lye machine.

Q. Had this any pitter connected with it?

A. It had in the line.

Q. Do you mean the general line of machinery that carried on the work of this cannery?

A. Yes, that carried on the peach line; I had already constructed the cooker partly.

Q. I interrupted your answer to counsel as to how you came to leave the employ of Dunkley.

A. I left them on that account.

Q. You just quit? A. I quit.

Q. Did you sue him for the \$5,000 or demand it?

A. I did not. I quit about the 3d of September, and he told me to call into the office before I went, so I called in the office and he paid me a month's salary for those three days; he told me, "Things may not go as you expect them, you keep up a correspondence and come back at any time." That is the way I left him.

(Testimony of Stewart L. Campbell.)

Q. Did you ask him for the \$5,000 when you left him?

A. He had offered me the stock, and I did not ask him, no; I did not insist on the pay; I just understood from both conversations that the stock was all he was going to give me.

Mr. CHAPPELL.—Q. Where did this occur, where you received the month's extra pay?

A. Where did it occur?

Q. Yes.

A. I got the check in the office at the pier down at the boat dock.

Q. Where did you go then?

A. I went on up to Kalamazoo, home.

Q. Did you make any application for patents on all the structures that you had produced?

A. I did not; not any that I produced at that time for him.

Q. Was it not after that that you applied for a patent on the pitter?

A. On the orchard pitter that I constructed after that, yes; I went to work for myself; first I constructed an [460] orchard pitter for pitting in the orchard; I had Mr. Chappell take out a patent on it.

Q. That is the patent that has been offered in evidence, is it? A. Yes.

Q. Did you ever see any pitting-machine that Mr. Dunkley had produced?

A. I did; I don't know whether Mr. Dunkley produced it; I saw one he brought there from the Kala-

(Testimony of Stewart L. Campbell.)

mazoo plant while I was constructing the apparatus in South Haven.

Q. You did not have anything to do with that construction? A. I did not.

Q. When did you see that work?

A. I saw two or three peaches run through it; two or three, I say; I don't know how many; I saw a few run through one of the machines; I understood he had several; I think I saw two machines.

The COURT.—Q. Pitters?

A. Yes, both pitters.

Mr. CHAPPELL.—Q. When did you see these?

A. In 1904, while I was setting up this apparatus, this peach-peeling line in 1904, along in July or August, somewhere along there in 1904.

Q. When did you first make the acquaintance of Mr. Brunker? A. In 1903.

Q. What month?

A. The month exactly I could not state, but I think it was in about June, sometime.

Q. State the circumstances under which you made his acquaintance?

A. I met him right down here where this peach peeling, this model machine was operated on the test, on the lower floor of the South Haven factory; I knew nothing about Mr. Brunker before that; I met him right there on this floor.

Q. Was that being tested as early as June, 1903?

A. June, 1902—I say in the same position, I met him in the same position in the factory about where this was tested out. [461]

(Testimony of Stewart L. Campbell.)

Q. Not at the time of the test? A. No.

Mr. CHAPPELL.—Q. How long did he remain around there, as far as you observed?

A. Several months; I think until October; just about the last boat of the season for Chicago.

The COURT.—Q. How long had he been there before you met him? Did you find out?

A. No, I did not, but I don't think he had been there very long, my remembrance of it.

Mr. CHAPPELL.—Q. How long after you first saw him before you consulted with him about the lye?

A. Probably three months, 2½ or 3 months.

Q. You did not consult him about the lye for three months after you first saw him in June, 1903: Is that right?

A. About that time; somewhere about that time; I say two or three months.

Q. He helped you construct the frame after that; Is that right?

A. He did not help me to construct the frame any more than to hold something for me; if I wanted a long piece held up, then I would get him to come and help me hold it.

Q. How did it happen that he was able to do that for you? Was he working right near your place?

A. No, he was around there; he was the most idle man around that factory, so far as real occupation was concerned; I was friendly with him, and he was handy to get at.

The COURT.—Q. What was he, a sort of roustabout?

(Testimony of Stewart L. Campbell.)

A. No, he had been brought there, as I understood him to say at the time, he was brought there as an expert on preserving, and they were thinking of undertaking it; it took some time to decide, and finally they gave up the idea, or something, and let him go.

Mr. CHAPPELL.—Q. When did you first find out that lye had [462] ever been used for peeling peaches?

A. I heard that they had used lye in the factory in South Haven, the other canning factory there, Mr. McEwen's factory, the year before, in 1902, that they peeled their peaches by lye.

Q. Did you hear of it in 1902?

A. I might have heard of it, yes. I heard of it, I presume, while they were peeling there; I could not say exactly.

Q. Did you ever go over there after you heard about it to see what they were doing?

A. I don't remember ever being in the factory, no.

Q. Who told you they were using it over there?

A. Some of the hands around the factory.

Q. Did they tell you they had a machine over there?

A. No, they never spoke of having a machine; I don't know how I got it, but I got the impression that they were using some sort of a hose to peel them with, turn the hose onto them; somebody told me it was a messy job; I remember that.

Q. This memorandum book that you produced this morning shows a trip to San Francisco, does it not? A. It does.

(Testimony of Stewart L. Campbell.)

Q. Who went with you on that trip?

A. I think my whole family at that time, from the memorandum.

Q. At what time?

A. That would be in—we arrived here in April, if that trip is the first one; I made two trips. I will see in a minute; three whole fare tickets; that means the family; we arrived here in April of 1905; that was the trip that was referred to.

Q. Now, another memorandum there indicates that you were in California in 1903.

A. No, I was never in California in 1903.

Q. When were you first in California after you had worked for the Dunkley Company?

A. September, the same month I quit them, [463]

Q. September, 1904? A. In September, 1904.

Q. Does your memorandum show that?

A. This memorandum—no, I don't think it gives the date; I will look; no, I am positive it don't give the date.

The COURT.—Q. Has it got any entry with reference to it?

A. It has an entry, but not with reference to the date.

Q. I mean with reference to the trip.

A. Yes, in the case of the fares, three whole fare tickets of the family to California.

Q. You are talking about the one when you brought your family out; he is talking about the one before.

A. No, there is no reference to that in here. Let me see. I don't think there is.

(Testimony of Stewart L. Campbell.)

Mr. CHAPPELL.—Any memorandum there indicating the trip to Boston?

A. The trip to Boston—I have got some memoranda here; the only thing that I can remember of in here that I can see here is “Peeler, sorter,” it gives numbers, and these numbers refer to—I numbered them that way so that I could refer in the memorandum to the cost of these things that I got in Boston; I numbered them the same, similar to this, so I would know what each one referred to; that is all.

Q. How does the memorandum refresh your recollection as to the time you were in Boston?

A. The memorandum does not refresh it only in this way, it shows the letter-head; it was made on the letter-head of the Notman Photograph Company, I think it is Notman, but my brother-in-law and sister operated the gallery, and my mother lived there with them at the time, and I visited them, and I was there in the Christmas holidays, and they took photographs of me, and these photographs have got the date of when I was there. The date of the photographs was always written in by my sister, the same as they do now here in San Francisco; they are both here now. Here is the letter-head I made in Boston of the gears; the [464] cost of each; it names what they were for, peeler, syruper, fruit pitter, expense to Boston \$30, express \$10, 425 total. Now, this was merely an estimate of the cost, made in Boston; I would not exactly say that all these gears were ordered, and that the total cost would amount to that, or anywhere near it; a part of them were ordered there, I know, because

(Testimony of Stewart L. Campbell.)

I used them in the pitter.

Q. These gears, you say, were ordered for the Dunkley Company? A. Yes.

Q. Had they authorized you to do it?

A. Yes; they sent me there and paid the way.

Q. Who of the company authorized you to go to Boston?

A. Mr. S. J. Dunkley is the only one that ever gave me any orders in connection with the Dunkley Company.

Q. Who paid the expenses of your trip to Boston?

A. He did.

Q. How much of that was railroad fare?

A. It says here \$30, expenses of the trip \$20, and my remembrance is that they bought the ticket; I would not be certain of that.

Q. Your memorandum-book, however, does not indicate as to that?

A. Not in my memorandum-book, not that I remember of.

Q. Please indicate the order in which you designed these different machines to which you have referred, which first, and which second, and so on.

A. I don't know as I could give them exactly, because I would start something and finish them after others, but the syruper was, I think, the first machine; in fact, I am pretty positive it was the first machine started, this automatic syruper in Kalamazoo; the cooker in South Haven came next; then the improvement of the cherry pitter came next, as I remember; the improvement on cherry pitters was made in 1902;

(Testimony of Stewart L. Campbell.)

in 1903 cherries were pitted in Kalamazoo; then there came [465] the peeler; wait a minute, the sorter was partly built in 1902; I won't say built—it was devised and thought of and parts of it tried out, that is, the experimenting of how it would act on the peaches was tried out; but the sorter ran clear through this until 1904 and it was not completed then; then this model peach peeler in 1903—no, wait a minute; there was a machine in 1903 for cutting celery—that was in December; the first work was done, I think, in the first part of December, 1903; so that machine must have been built before; that machine and this model peeler came pretty close together; then the lye machine; that peach pitter and the triple commercial machine were along in together, 1903 and 1904.

The COURT.—Q. Did you build any of those machines at South Haven?

A. This triple machine—

Q. (Intg.) Did you build any of those machines there, excepting the model machine?

A. No. What little improvement I made on the cherry pitters was done at South Haven; the early improvement on the feed, the clearance of them.

Q. All of the rest was done in the workshop of the company in Kalamazoo?

A. The cooker was done in South Haven; that is, the construction of the cooker; some parts of it were bought in Kalamazoo, parts of it were gotten in Chicago, but the work was done mostly in South Haven on the cooker.

Mr. CHAPPELL.—Was any tank required for the

(Testimony of Stewart L. Campbell.)

cooker? A. Yes, a wooden tank.

Q. Where was that made, if you know?

A. The tank of the cooker I think was made by the Windmill Company of Kalamazoo.

Q. When was that made?

A. I could not state exactly; when I first went to Dunkley there was a part of the tank there, about, I should judge, forty feet long, of a wooden open tank, right [466] in the position, and they used it in the cooker, extended it out and made it about 80 and some odd feet long, 5 feet wide or so.

Q. Did you redesign the mechanism that operated in that tank?

A. There was no mechanism connected with the tank when I saw it, any more than there might have been a small sprocket around it; I would not be certain as to that; there was on the inside of the tank, as I remember it, on the bottom, flat band iron laid—I have got the impression that they had run these hand trays that they used for cooking out some ways, passing them through that tank, but there was nothing there to show how or whether they operated or not.

Q. Did this cooker require the use of gears or chains?

A. The cooker I built did, yes.

Q. Did the syruper that you referred to prove to be successful that you made?

A. I could not say how successful really it was; it was not successful to me, but it would operate; but they would not leave me long enough on a thing after

(Testimony of Stewart L. Campbell.)

it was built to know much about it; I had too much other stuff.

Q. So you don't know whether that machine was really a success or not?

A. I don't think it was a success; I think it clogged up too much, if I remember, with the syrup that they used.

Q. Do you remember working at any time on a sealing material on cans? A. I did.

Q. When did you work on that?

A. I started some of that in South Haven and finished it in Kalamazoo.

Q. Did you get that to work?

A. I got my part to work, yes.

Q. Did the thing prove to be a success?

A. I do not think so; I do not know; I had nothing to do with the material they were using; they would merely bring in the material to me and [467] have me put it onto these can tubes and order me to put it on the can tubes, and they kept changing the material all the time and I had to keep changing the machine; I don't think while I was with them it was ever a success.

Q. When did you work on that?

A. I worked on that in 1903 and 1904.

Q. At what place did you work on that?

A. I was working on that in 1903 and 1904; I am pretty sure it was 1903 and 1904. What place?

Q. Yes.

A. I worked in South Haven and Kalamazoo on that.

(Testimony of Stewart L. Campbell.)

Q. Which place did you work the longer?

A. In Kalamazoo.

Q. Can you indicate the particular room you worked in?

A. Yes, my work was done in—it is the second floor, I would call it, in the building on the wing; I had a room there all to myself, with my big drafting table, architect's drafting table that I bought and placed in there to do my drafting thereon; I had that room all to myself on the second floor, and that is where I did my experimenting on that machine.

Q. When did you first occupy that room?

A. I occupied that room I think in 1903 and 1904.

Q. That was for the first time in 1903?

A. In that particular room, I think—I think it was filled up with boxes and something before I got in there; I think they cleared it out for me and they gave me that room.

Q. Was that over what they call the mustard room?

A. I think so, yes.

Q. Weren't you located there in 1902?

A. I might have used it; I am not certain, in 1902; in 1903 and 1904 I used it.

The COURT.—Q. What did they use mustard for?

A. They put up the mustard, canned or bottled it, put up mustard [468] there.

Q. A mustard of their own? A. Yes.

Mr. CHAPPELL.—Q. What do you know about the canning of pears at South Haven?

A. Well, I don't know much about the canning of them, or the canning of anything, any more than con-

(Testimony of Stewart L. Campbell.)

nected with the machine part; I built a cooker there for pears over this filling table, over one end of it.

Q. Was that a special contrivance for cooking pears?

A. Yes; they wanted me to build a cooker to steam pears for five minutes before they were put in the cans.

Q. When did you make that cooker?

A. I made that cooker in 1903, along with the table.

Q. What sort of machines were used for peeling the pears?

A. I don't remember, but hand knives, mostly, as I remember it; they might have used some of these hand machines; I have never paid much attention to that end of it; I had nothing to do with it; I was too busy at other things to pay much attention to it.

Q. How long did the pear season continue, as you observed?

A. I don't remember how long; the pear season, I think, just preceded the peaches; I don't know how long or how many or how much they put up.

Q. Were the pears and the peaches handled on the same tables?

A. Sometimes, yes; that is, they used pears on this peeling-table; the first on the peeling-table was pears.

Q. What did they use for the pears in 1904?

A. In 1904, I don't remember; my recollection of 1904 is that the pears were put up in Kalamazoo; I would not say for certain; but I can't remember of any pears being put up in South Haven in 1904; sometimes they put things up in one place and some-

(Testimony of Stewart L. Campbell.)

times in another; the pears were put up in 1902 at South Haven, in 1903 in [469] Kalamazoo, in 1904 I think again in South Haven; I am not certain.

Q. Some of these pictures that you have produced here show the operators working with pears, do they not?

A. They do not look like pears to me, and still they may be; they look like peaches; I have looked them closely to find out what they were, but they look like peaches to me; they may be pears.

Q. You don't know whether they are peaches or pears? A. I do not.

Q. You were not there when these pictures were taken, were you?

A. I was somewhere around the factory, but I was not there just at the operation; I don't remember of ever seeing anybody taking pictures; it seems that if I was there I would be in these pictures; that is all I know about it.

Q. You don't know who took the pictures?

A. No, some traveling photographer, as I remember; anyway, it was somebody; the way I remember it, it was somebody that came around there taking pictures, with the idea of selling them after showing them, the same as they do on Market street.

Q. Where have you kept these pictures in the meantime?

A. I have kept them around the house in a trunk mostly since we came to California.

Q. Did you buy the photographs?

A. I think I bought them in Kalamazoo; I mean

(Testimony of Stewart L. Campbell.)

in South Haven; I either bought them or they were given to me, I could not say for certain.

The COURT.—Did this witness produce these photographs?

Mr. WHITE.—I produced them, but they were given to me by Mr. Campbell.

The COURT.—That is what I mean; did he produce them here for the purpose of evidence; that is, I mean did he produce them [470] for you?

Mr. WHITE.—Yes.

Mr. CHAPPELL.—He has identified them, as I understand. I want to find out what he knows about them. You saw none of the pictures taken, as I understand it?

A. I did not, not to my recollection.

Q. They might have been taken a year or so before you obtained possession of them?

A. They could not be taken a year before, because they would not show that table there the year before.

Q. Then the only reason that you know they are taken at this particular time is because the table is there; is that it?

A. That is the particular reason, yes; that checks my memory; that is all.

The COURT.—Have they all got that representation of that table in them?

A. No, two of them have got a representation of the peeling-table, and the filling-table, which were both constructed at the same time.

Mr. CHAPPELL.—Q. And these are photographs of the table which you say you put in in the summer

(Testimony of Stewart L. Campbell.)

of 1903; is that right? A. 1903, yes.

Q. Do you remember of a refrigerating-room about the plant? A. I do; in 1902.

Q. Did you have anything to do with that?

A. Did I have anything to do?

Q. Yes.

A. Nothing that I remember of; I may have helped to tear out the partition; still I don't remember that; I don't think I did; I had nothing directly to do with the refrigerating-room, I know.

Q. When the partitions were torn out, it was necessary to put in some tables of some kind, was it not?

A. I think the [471] partitions were torn out to make room for this long table in 1903.

Q. Why was it necessary to have a long table in?

A. Well, I could not say as to that; I did not buy the belt for that table; the belt was ordered by some one else; I think Mr. Dunkley ordered the belt; I would not be certain, but I did not order it, but it came there; they wanted a long table, a long peeling table, to make room for lots of peelers.

Q. So that a great many people could work conveniently at the same time, is that it?

A. Yes, a great many people.

Q. They would also pit peaches at that table, would they not?

A. They did to some extent, yes; I think they pitted them together there at the same time that they peeled them.

Q. They also did the trimming at that table, did they not? A. What do you mean by trimming?

(Testimony of Stewart L. Campbell.)

Q. The trimming of fruit, where they inspected it, if there was anything that needed to be cut off, they cut it off?

A. Well, no; anything that needed to be cut off at the time they were peeling was all done at that time on the peeling; a part of that table was left, I understand, 20 or 25 feet of it, when the peeling apparatus, the commercial peeling apparatus, was put in, and part of that was left there; that was put in principally on account of the pits of the peaches from these pitters, if this pitter struck a peach that had a cracked pit in the right way it would leave half of the pit in each side of the peach; there had to be somebody to take care of those, and they were delivered to the belt before they went to the filling-table.

Q. Was this work from the pitter which you constructed?

A. Yes, from the pitter which I constructed; I don't know how [472] the work went from the other pitters, whether it was put on the belt or not, but the intention was, I built an elevator to elevate the fruit from a tank where the peaches fell in, to lift them up and run them onto this belt.

Q. When did you make that elevator?

A. In 1904, the same time I put in the pitter.

Q. And you installed how many pitters in 1904?

A. Two.

Q. What was the capacity of those pitters; how many bushels would they do in an hour?

A. I could not state; it would depend altogether on how fast they were fed.

(Testimony of Stewart L. Campbell.)

Q. In what way were they fed?

The COURT.—I want to ask you what the character of these pitters was; what is the general make-up of these pitters?

A. I could show you a photograph of one of them.

Q. Can't you describe them?

A. Yes, I could describe them.

Q. You made them, you ought to be able to describe them.

A. There was a running belt and two chains; they had standing knives attached to them, long knives, containing an opening for three peaches, as I remember, in the line, and a pit holder, situated in the center of these openings; this was a single knife standing on edge; they were what came around one after the other, and the machine was about this long or so (illustrating), a number of these following one after another; as they came along under an upright part of the machine, with a double knife, two blades, with the same number of openings as below, so that they would come down just over where the peach was situated; this peach was placed in this lower end, and then these lower knives that came down engaged the peach before the splitting operation; these two knives came down to the pit; the outer part of them would go apast, cut the meat of the peach in two and as they [473] got down they would spread of their own accord and throw off their halves. The idea was that the pit-holders would hold the pit and let the halves fall over on the belt.

Q. It was an apparatus, then, that spliced and

(Testimony of Stewart L. Campbell.)

pitted peaches with the same action, at the same time?

A. At the same time the pits and the halves of the peaches would fall over into the machine together.

Q. Into the same receptacle?

A. Into the same receptacle, as I left it; this little elevator was then running into this receptacle, and would carry them up and deposit them on the end of this running belt for separation of peaches and pits.

Mr. CHAPPELL.—Q. To what extent did you see this pitter operated?

A. Not very much; I probably run several bushels through it altogether, myself.

Q. Did you see it installed in that line it worked?

A. I installed it in the line of work myself.

The COURT.—Q. Are you speaking now of the pitter that you constructed?

A. The pitter that I constructed.

Mr. CHAPPEL.—Q. To what extent did you see it work in the line?

A. Nothing only as I tried a few bushels, probably; that was the extent of what I run through it myself, or what was fed in at the other end by the help and came through the peelers, and I applied it myself; I don't think there was anybody else; there might have been somebody.

Q. Do you know of anybody getting hurt on that machine?

A. No, I don't; I don't remember of anybody being hurt while I was there.

Q. Did you calculate that two of those machines

(Testimony of Stewart L. Campbell.)

would take care of the peaches supplied to the line by the peeler?

A. That was the way I figured it out, yes. [474]

Q. How many girls could feed the peaches to each one of those machines?

A. I figured on putting two to each one; if they were expert; they would have to be expert to feed it fast enough; if I could get three there, I was going to place them there, but I could not find very readily how I could work them in.

The COURT.—Q. The installation of this entire line of machinery was committed to you, and you put it all in, did you? A. Yes.

Q. And devised the whole thing out of your own conception?

A. Devised—there is one part of the peeler, of the lye machine, the tank or the supply-pipe above the lye machine. I merely indicated what I wanted for that, a tank with pipes in it for heating; I don't remember of making a drawing of that; we did not absolutely need any drawing; it had to be a certain size; that was constructed by some of the other help, I think; I don't know; I have an idea that Melville Dunkley had the handling of that; I would not be certain.

Mr. CHAPPELL.—Q. Now, the occasion for the pitting-machine was the fact that a very rapid means had been provided for peeling peaches; is that not right? A. Yes, they would go through rapid.

Q. And the pitting would naturally delay the peeling operation, would it not? A. That is right.

Q. Might you not be mistaken—might not the pit-

(Testimony of Stewart L. Campbell.)

ting have been done the year after the peeler was organized?

A. No chance of a mistake; I put in too many nights thinking of those things in order to make any mistake about it; it was years after I got to California before I could think properly on any machine like that from the effects of it; so there was no mistake, no chance of a mistake. [475]

The COURT.—Have you done anything of that kind since you came to California?

A. I have for myself.

Q. What?

A. I built and almost completed a machine for peeling and coring tomatoes.

Q. There are lots of tomatoes that have very little if any core in them that we raise out here.

A. Yes, but there is a little stem in there, or core, I would call it; some of them extend pretty near through, and others do not go very deep; still, in order to keep them properly, they tell me they have to be out of there.

Mr. CHAPPELL.—Q. How did you happen to investigate that subject? A. This tomato subject?

Q. Yes.

A. I think Brunker is the one that first started me on that; I know he was; he had an idea that this peeling-machine that I built for peaches in Kalamazoo would do with tomatoes, and I did not think so, although I had never tried it out.

Q. Did you apply for a patent on any of these mechanisms?

(Testimony of Stewart L. Campbell.)

A. No, I have not got them to a point to apply for a patent yet; if I ever do it, I will do it, because I have money enough to back them; I will never do it with just money enough to patent them.

Q. Were you aware that Mr. Dunkley had applied for patents on any of these machines that you worked on?

A. Not until last year, I read it in the paper where this case was on; that was the first I knew of it.

The COURT.—Q. How did you get in touch with the people on the other side?

A. Well, through a friend of my son's connected with a cannery in Berkeley.

Mr. WHITE.—Q. What is his name?

A. His name is Mr. Mullen; he had heard my son talk about my building these—I don't think he heard it—the way I understand it, some friend of theirs, of [476] the both of them, had heard some talk about this peeling-machine, and he told Mullen about it, and Mullen talked to my son about it.

Mr. CHAPPELL.—Q. You have been in Kalamazoo and in South Haven recently, have you not?

A. I have been in Kalamazoo, yes, in February.

Q. What was the purpose of your trip there?

A. I went there to check up my ideas on this, and secure what evidence I could get in regard to it.

Q. Where did you go?

A. I went to Chicago first; then I went to South Haven, and I went up to Kalamazoo and up to Lansing, down to Detroit and back again; I did not go to Detroit particularly on this.

(Testimony of Stewart L. Campbell.)

The COURT.—Q. On whose behalf?

A. I went on my own behalf to Lansing and Detroit.

Q. Did you make this trip back on your own behalf? A. No, I went for Mr. White.

Q. You were sent back? A. Yes.

Mr. WHITE.—Q. Who was with you on the trip after you got to Chicago?

A. Mr. White was with me from Chicago.

The COURT.—Q. You went at their expense?

A. Went at their expense.

Mr. WHITE.—We employed him for the purpose of the investigation and assisting in it.

Mr. CHAPPELL.—Your memorandum was not quite sufficient to refresh your recollection, then. Is that right?

A. It proved that my recollection was correct in every way.

Q. In what way did it prove it, if I may ask

A. It proved it by all these details, the stuff that I bought in different places checked up correct with my memory as to the time, every [477] one of them without exception.

Q. Did Mr. Bruner make any claim that he had invented anything to you?

A. That he had invented anything?

Q. Yes.

A. No; just the reverse; he told me that he knew nothing about machinery.

Q. Where did he tell you he got his information about the lye?

(Testimony of Stewart L. Campbell.)

A. He did not tell me that he got any information in any particular place; he knew about lye, I guess, because he was connected with canneries for some time, according to his own statement.

Q. What information was it he imparted to you, as you say, according to your instructions from Mr. Dunkley?

A. I told him Mr. Dunkley had told me to work, test this lye out there in the peach business when I went to him; I also told him Mr. Dunkley sent me there to get this data at the time.

The COURT.—Q. What data was it exactly that Mr. Dunkley sent you to Brunker to get?

A. It was data in regard to the experiment that he made on the handwork of the peach-peeling; he did the experimenting there with hand, to get the strength, and time, and so forth; I remember distinctly him telling me that these peaches had to be kept separated in the lye, because the spots where they touched together they were not liable to be properly lyed, and the peeling would stick on the peach; that is the reason why I separated them in running them through the lye-tank; I kept them so that they would separate as much as possible and still do it with speed.

Mr. CHAPPELL.—Q. Just what did you have to do with Mr. Mapes about this business?

A. Mr. Mapes?

Q. Yes.

A. In reference to the building, you mean?

Q. Yes, anything about the peeling-machine; what

(Testimony of Stewart L. Campbell.)

did you do with [478] Mr. Mapes?

A. What I got in South Haven, so far as machine work was concerned, I got of Mr. Mapes; that was the only machine-shop that I knew of in South Haven.

Q. What did you have him do for you about the peeling-machine?

A. I had him build this friction-gear for the model over there; I had those boxes, the boxes for it; I had him babbitt them up; I don't remember whether he furnished the boxes; I think he did; I think he furnished the boxes for them; whatever iron was necessary to get there on the work I had done in Mapes' place.

Q. Did you furnish Mapes drawings for any of these parts?

A. I presume that all I would show him on the friction-gear was shown on the drawing; I could not remember whether I furnished any particular drawing; it would not be necessary, because I was picking up what I could get.

Q. Did you get any pulleys or gears for the machines from Mr. Mapes?

A. I don't remember; I don't think we got any pulleys there; still, we might have; I would not be certain; we might have got pulleys there.

Q. Have you any way of identifying the date when you made the sketch in your diary?

A. Not in the diary, no.

Q. That was copied in there after you had made the original sketch, as I understand it.

(Testimony of Stewart L. Campbell.)

A. No, that was the original sketch of the gear, the only sketch I ever remember of making; I just made it in the diary here; in all probability, that is all I showed Mr. Mapes, showed him the sketch; that would be all that would be necessary for him to have to build it with; I gave him the dimensions and so forth.

Q. When did you first become acquainted with Mr. Mapes?

A. When I went down to South Haven in 1902.

Q. You took the work over to him, did you, immediately? [479]

A. Not immediately, I would not say; I could not remember exactly, but I sent work to him occasionally right along while I was there at South Haven, odd jobs.

Q. Did you ever have more than one friction-gear made by him?

A. No, I never had more than one.

Q. Do you know whether he furnished more than one friction-gear to the Dunkley Company?

A. Not while I was there, I don't remember of any, no.

Q. Do you remember anything about the gears that were made use of on the first cooker?

A. On the first cooker?

Q. Yes.

A. Yes, I remember something about the gears on the first cooker.

Q. Were there any friction-gears on that?

A. No friction, no.

(Testimony of Stewart L. Campbell.)

Q. Never see any friction-gears on any of the cookers?

A. Not on that cooker, no; that friction would not be powerful enough to drive it, an ordinary friction.

Q. Were there any gears on any cookers before you went there?

A. There was no cooker there before I went there except hand cookers, and tanks where they passed them through into receptacles holding I don't know how many, maybe a case of ten or a dozen—I don't know how many they would hold.

Q. Did you have anything to do with the installation of the automatic canning machine?

A. I had something to do with setting it up there.

Q. Were there any friction-gears to that, that you remember?

A. I don't remember of any; I don't think I had anything to do much with the construction, any more than placing counter shafts for them and setting the machines in place; the operation of them and so forth, and the like, I did not have anything to do with. [480]

The COURT.—I cannot give you an unlimited time for cross-examination, Mr. Chappell; you must get through.

Mr. CHAPPELL.—Q. Will you indicate on this machine No. 10, where the friction-gears were applied that you have referred to?

A. The mode of fastening them there I cannot remember exactly, but I think they were on a kind

(Testimony of Stewart L. Campbell.)

of a wood bracket, I would not be certain; that part of it I don't remember.

Q. Where was the wood bracket attached?

A. I don't know exactly.

Q. (The COURT.) Can't you go over there and show us?

A. I might go over there and figure it out, but I could not say from memory anything about it; I know that I did not take them off of there; I know the next time I went down in the peeling season, the thing was stripped about as it is now.

The COURT.—I do not want you to go and see if there was any place where it could be attached, because I did not notice any myself. I went over to look at it.

A. There are holes there on top of the bracket that it might be attached to, but I don't remember.

Q. Would not that refresh your memory? You saw it running, didn't you?

A. I saw it running, yes; I ran it; but it is a long while ago to remember all the details.

Q. A machinist who constructs a machine must have a pretty close recollection of how it operates, must he not?

A. Yes, but I constructed so many different things then and so many since, and am still on it all the time, that I cannot recollect all the details of all the construction; there is holes on the top of that back frame that there might have been a bracket extended out to hold it, but I would not say; my recollection was that there was wooden brackets put in there be-

(Testimony of Stewart L. Campbell.)

tween the top and [481] bottom and extended out and bolted, like sawed out of a plank; I could not state positively; I would not say; there was no sign of a nail hole that I could see there, but that was my recollection of the extension there put on and that it was torn off at the time they took it apart.

Mr. CHAPPELL.—Q. To what extent were you compensated for your recent trip to Kalamazoo?

A. I got \$500 and expenses.

Q. Was there to be any further consideration than that? A. No further consideration whatever.

Mr. CHAPPELL.—That is all.

Redirect Examination.

Mr. WHITE.—Q. In consideration for that compensation, did you do anything else other than making this trip east, or have you done anything else?

A. I have been on the case practically ever since, figuring on it at night, and reporting over here two or three times a week.

Q. State whether or not you made any other trips out of town.

A. I went to Sacramento a couple of times, three times on this case altogether.

Q. No, on this eastern trip, to what places did you go to examine books to check up your entries?

A. I went to Chicago—

Mr. CHAPPELL.—That is objected to as not material.

Mr. WHITE.—Opposing counsel brought that out on cross-examination that he had gone to these places.

(Testimony of Stewart L. Campbell.)

I want to know what he did at these places in regard to what he did as to checking up all of these matters that he has specified on cross-examination.

The COURT.—We will be in recess until to-morrow morning at ten o'clock.

(An adjournment was here taken until to-morrow, Wednesday, April 5, 1916, at ten A. M.)

[Endorsed] Filed Oct. 10, 1916. W. B. Maling, Clerk. By J. A. Schaertzer, Deputy Clerk. [482]

In the District Court of the United States for the Northern District of California, Second Division.

Before Hon. W. C. VAN FLEET, Judge.

DUNKLEY COMPANY,

Plaintiff,

vs.

CENTRAL CALIFORNIA CANNERIES,

Defendant.

Wednesday, April 5th, 1916.

Counsel Appearing:

For the Plaintiff: FREDERICK L. CHAPPELL, Esq., JOHN H. MILLER, Esq.

For the Defendants: FREDERICK S. LYON, Esq., WILLIAM K. WHITE, Esq., KEMPER B. CAMPBELL, Esq.

Mr. CHAPPELL.—Your Honor, we have Mr. Dawson here this morning; maybe it is desired to finish with Mr. Campbell first.

The COURT.—Proceed.

(Testimony of Stewart L. Campbell.)

Mr. WHITE.—In that regard, if your Honor please, we have a witness from out of town who is anxious to get back to his business; he has a restaurant business in Sacramento, and he only expected to be here yesterday, and he especially requested that he be called as early as possible so that he could return to Sacramento. Under the circumstances I ask permission to have him go on before Mr. Dawson goes on the stand, if that is agreeable to Mr. Chappell.

The COURT.—Do you want him to go on before Mr. Campbell's [483] examination is finished?

Mr. WHITE.—We have concluded his examination unless your Honor or Mr. Chappell desire to ask him any further questions.

The COURT.—I have not.

Mr. WHITE.—If you wish to examine Mr. Campbell any further he is here, Mr. Chappell?

Mr. CHAPPELL.—I think possibly there is just one other question that I would like to ask Mr. Campbell.

STEWART L. CAMPBELL, cross-examination, resumed, (recalled).

Mr. CHAPPELL.—Q. I call your attention to a drawing of one of Mr. Dunkley's patents, particularly the figure 4 thereof, and ask you if you recognize the structure there as showing a friction-gear?

A. Yes, I do, I recognize three of them.

The COURT.—Let me see what a friction-gear looks like.

Mr. CHAPPELL.—It is that arrangement there, your Honor.

(Testimony of Stewart L. Campbell.)

Q. Do you remember to have made a friction-gear like either one of these?

A. No, I do not recall any.

Q. Did you ever see such friction-gears there at the Dunkley Company?

A. No, not that I remember of, there was no friction-gear of that kind connected with the cooker at the time I was there.

Q. Did you see it connected with the cooker there?

A. The friction-gear?

Q. Yes. A. No, never; it was not connected.

Q. This drawing appears in patent No. 805,844 of November 23, 1905, to S. J. Dunkley for Automatic Processing or Cooking and Cooling Machine, does it not?

Mr. WHITE.—What is the date of the application, Mr. Chappell?

A. November 28, 1905. [484]

Mr. CHAPPELL.—Q. The patent bears date November 28, 1905; otherwise the question indicates the matter correctly? A. Yes.

Q. Will you look at that patent a little further and see whether you recognize it as showing any cooker that you saw at the plant at South Haven or any parts of it; I refer to the Dunkley plant.

A. The only parts in this that look anything like it at all—of course it had a sprocket and chain for the carrying of the can through the water; they have a similar bracket on the chain; but otherwise it did not look anything like it, not anything like it here when I was there; there was an open wooden cooker; that is closed.

(Testimony of William Brunker.)

Mr. WHITE.—Q. What is the date of the application for that patent?

The WITNESS.—The mode of carrying the cans through the water is the same.

Mr. CHAPPELL.—The date of the application is May 12, 1902. That is all.

Mr. WHITE.—That is all.

Testimony of William Brunker, for Defendant (in Surrebuttal).

WILLIAM BRUNKER, called for the defendant in surrebuttal, sworn.

Mr. WHITE.—Q. Please state your name, age, residence and occupation.

A. My present occupation is a restaurant-keeper.

Q. Where? A. In Sacramento.

Q. For what length of time have you been keeping a restaurant in Sacramento? A. Just a year.

Q. Do you know Mr. S. J. Dunkley? A. Yes.

Q. Where did you first meet him? A. In 1903.

Q. Where? A. In Kalamazoo.

Q. State whether or not you at any time were employed by the Dunkley Company. [485]

A. Yes, I was employed at that time, yes; I was in the cherry season; I can't remember the date; they were packing cherries when I went there.

The COURT.—Q. In 1902 you say?

A. In 1903.

Mr. WHITE.—Q. Where did you go to work for that company?

A. He sent me down to South Haven.

Q. For what period of time were you working

(Testimony of William Bruncker.)

at South Haven for the Dunkley Company?

A. Probably 4 or 5 months; I am not quite sure.

Q. What was the nature of your duties while in the employment of that company during 1903?

A. My first work there was to make some jams from some strawberries they had there, but they found it was not profitable and we stopped that, I only made a few samples.

Q. What was the next work you did?

A. Then Campbell, the superintendent, came there, came down to fix the factory for the packing season and I helped him.

Q. On what class of machinery?

A. There were some vacuum machines—

Q. —Did you help Mr. Campbell?

A. Yes; he commenced to build a table, a fruit table; then there was some machinery came down and we got that up and he installed that.

Q. What kind of a table was that that you refer to?

A. It was a table nearly the length of the room with a carrying belt down the center; the idea of it was to put their peeled goods on the belt, and it was carried along to where they were washed and packed.

Q. What, if anything, did you have to do in regard to the building of that table?

A. Just as a laborer; I could do nothing mechanical at all; I just simply helped him out at anything that he wanted. [486]

Q. What was the next work that you did after helping him on that table?

(Testimony of William Brunker.)

A. Well, there was some pickled peaches that we tried out; Mr. Dunkley had been working on them and he asked me to take hold of them, and they were to be packed with skins on; they were not to be peeled.

The COURT.—Q. What is that?

A. They were unpeeled peaches; and I worked in there a little while and then when he expressed himself satisfied, he said he would like some of it glassed with skins off, and he had heard of some packer who had tried the peeling of peaches with lye and it did all right, and I suggested that we might try that, and he said, all right, to go ahead and get some lye and try it, and in a day or two after that I asked him to show him *to show him* what the results of my experiments were, and I just took some of these and put them in a solution and put them under water and rubbed the skin off with the hand; he said, "It is going to work all right, we will have to get a machine for that, for what you are doing with your hand." I said I could not build a machine, and he said, "That is all right, we will get Stewart to build that." That was Campbell, he was superintendent; and he says, "You and Campbell get together and you show him what you want done and he will make a machine to do it." So the next day Campbell came in to me and told me that Mr. Dunkley had said that he was to build a machine. "Now," he said, "I want to see what that machine has to do," and I prepared some peaches as I had done before, and took

(Testimony of William Bruncker.)

a brush and brushed the skin off instead of rubbing it off with my hand, and he says, "I can make a machine to do that all right."

The COURT.—Q. Mr. Campbell said that?

A. Yes.

Mr. WHITE.—Q. What kind of a brush did you use?

A. I bought it in a paint store, some little brush that painters use; I don't know exactly what kind of a brush it was; I didn't [487] know what nature of brush I would need; I just wanted it.

Q. Go on with your story as regards what followed?

A. Then Mr. Campbell and I were rooming together at the factory and that night after that he told me "I have thought of half a dozen ways of peeling these peaches, but," he says, "there is one way I intend to do it," and he went on to describe the machine and the description he gave me exactly tallied with the machine he afterwards built.

Q. What kind of a machine did he afterwards build?

A. He built a machine, like that, with a carrying belt to carry the peaches along and the brushes alongside were 3 feet long; they revolved and peeled the peaches that were carried through on that belt.

Q. Have you ever been in this courtroom before?

A. No.

Q. What machine did you point to in giving your last answer?

A. Well, I pointed to that; it resembled that some; only this was not on top when I saw it, this metal; you

(Testimony of William Brunker.)

see we only put—we had a sheet of galvanized iron lying around the place and we simply bent it over to keep the water off of me when I was peeling the peaches; there was nothing like that on it.

Q. State what if anything you had to do with that machine that was built?

A. Nothing but preparing the peaches for it, and several times I went to hold things for Campbell when he was working; he was working alone on it and I would go and help him if there was anything to hold.

Q. What about the preparation of these peaches?

A. The only peaches that were put through the machine, put through while I was there, was three bushels of peaches.

Q. Where were these peaches put through the machine, in what part of the building?

A. It was just exactly off the end from where it was built; it was built at the office and it was [488] brought down in front of the engine-room, and there was an end of the shaft came out of the engine-room where they fixed it on to get power.

Q. Where did you prepare the peaches that were put through?

A. Well, about the middle of the floor practically—not the middle of the floor but the middle of the building over towards the wall; it would be probably about 20 feet from where the machine was; the reason I put it there was we had a gasoline stove that I heated the water to make the solution.

Q. What did you heat the water in?

A. In an old wash-boiler, and then I took a wire

(Testimony of William Brunker.)

basket to hold the peaches and put them in that for the length of time they were to be there and took them out and brought them along and put them through the hopper and through the machine; the reason I had the peaches all weighed, I wanted to time it, to see how many bushels a day they would be likely to do.

Q. How long did you remain at the cannery after this test of the machine that you speak of?

A. I could not say, but it was not very long; you see, the peach season was just on the wane then; they were packing peaches, but I do not think there was much over half of the help there when we were at that; it was a very short time after that, but I could not say; I know this, that I crossed to Chicago on the last run of the boat.

The COURT.—Q. How long did you work for them altogether?

A. About five months I think, probably; a little less than that.

Q. More than three? A. More than three.

Mr. WHITE.—Q. Were you ever in that cannery at any other time than in the year 1903?

A. No; I never was in South Haven but that time nor in Kalamazoo but the once. [489]

Q. How were they peeling peaches while you were there, commercially?

A. Well, I did not see any peaches peeled there in any other way but what I had always seen, with the knife, and the girls were so much a day, so much a bushel or basket or whatever it was.

Q. State whether or not you had anything to do in

(Testimony of William Brunker.)

connection with the peeling of peaches there by the knife?

A. Either Mr. Dunkley or Melville asked me to follow up a couple of hundred pounds through and get the cost and give them the data for the cost and I did that; we took about half a day to do that. I just took a couple of girls and a couple of men and followed them through and gave them the data in the office; of course that is all I know about it.

Q. Where were these girls and men peeling the peaches when you were following the work?

A. You see the others were all on the table, the regular peelers, and I took two girls from there and put them just on the floor where they had been in the habit of peeling and where they sat on low seats, you know, and I stood with them until they got their work done, each one, and passed it along; I took note of the time; they were separate from other peelers; I had to do that to get the right data.

Q. How many of these peach peeling-machines did Mr. Campbell or anyone else build while you were there in 1903?

A. There was this one, just one of the machines, one machine.

Q. Did you see any others like that machine while you were there? A. I did not.

Mr. WHITE.—You may inquire, Mr. Chappell.

Cross-examination.

Mr. CHAPPELL.—Q. What brought this matter of the peeling of peaches at South Haven to your

(Testimony of William Brunker.)

recollection? A. What brought it up? [490]

Q. Yes.

A. Mr. Dunkley said he heard peaches had been peeled by lye, and I suggested that we try it and he said to go ahead and do so.

Q. What brought it to your recollection recently? What caused you to remember it? A. Recently?

Q. Yes.

A. Well, I never forgot it because I was so much taken up with the machine when he made it, and I have been in communication with Mr. Campbell several times; then we have been together here in California, I met him by accident after coming out; he was here two years before I was, but I met him and we have been more or less together and talked about that machine ever since.

Q. Where did you go from South Haven?

A. From South Haven to New York.

The COURT.—Q. Did Campbell think that was an ingenious contrivance for peeling peaches?

A. I never heard him say so, but I thought it was.

Q. You have said you talked with him about the machine very often; what did he say?

A. It was me that was talking about it.

Q. But he talked with you?

A. He talked with me, yes.

Q. What did he say about it; did he think it was an ingenious thing, a success?

A. He thought it did the work well.

Q. Did he ever suggest taking out a patent on it?

A. Never, not to me, he never suggested it.

(Testimony of William Brunker.)

Mr. CHAPPELL.—Q. What had been your business before you went to Kalamazoo?

A. Condensed soup-maker.

Q. How long were you in Kalamazoo?

A. Some 4 or 5 months; I could not say positively.

Q. In Kalamazoo?

A. Yes—not in Kalamazoo; I was there only a few minutes in Kalamazoo. I went down to see Mr. Dunkley and he took me over the factory and showed it to me and then sent me [491] off to South Haven; I was not there probably but an hour or two; it might not be that long; I stopped there a couple of times, in passing, but I was just there a short time.

The COURT.—Q. Where had you come from?

A. I came from New York there; my correspondence was from New York with Mr. Dunkley. I wrote to him making said propositions about working up some fruit, you know, and we got into correspondence and he told me to come up, and the propositions I made when I went there we found would not work out at all, what I had proposed.

Mr. CHAPPELL.—Q. Had you had any experience in the handling of peaches for canning before you went there? A. No.

Q. Had you had any experience in the fruit-canning business at all?

A. Yes, I had—not exactly fruit-canning, but I had quite a little experience in tomatoes.

Q. Had you made any jams before you went there?

A. Yes.

Q. Were the jams canned?

(Testimony of William Brunker.)

A. No—of course they were canned, usually canned, you know, jams are.

The COURT.—Q. What is that?

A. I say jams are usually canned.

Q. He asked you if they were?

A. That is what I say, they were canned, yes.

Mr. CHAPPELL.—Q. Had you any experience in the pickling of fruit?

A. Not then; not till then; all that I know, the first I knew about it was what Mr. Dunkley told me; he told me how to proceed with these things, and I went along the line he laid down for me.

Q. What was the course of your information about the treating of peaches with lye at the time Mr. Dunkley first talked with you?

A. I had nothing; I never had done it; I don't think I ever heard of it until he mentioned it. [492]

Q. The only information you had about lye in the peeling of peaches was from Mr. Dunkley, was it?

A. Yes.

Q. Did he tell you how it was done?

A. No; of course I knew how it was done; only he said the solution had to be made and the peaches put in it; I do not remember any special instructions; I do not think that was necessary.

The COURT.—Q. Did you know whether it had to be hot or cold?

A. It had to be scalded; I knew it was to be heated; I had used lye before.

Q. How did you know that if you had never heard of it before? Lye eats very rapidly in matter that is

(Testimony of William Brunker.)

pervious to its influence without its being heated.

A. I can give you one thing that might give me an idea; I had put up hominy and that has to be very strong lye to take the shell off.

Q. At any rate you assumed it had to be heated?

A. Yes, scalded.

Mr. CHAPPELL.—Q. I understood you to say something about this having been used before, did you not, in your direct examination?

A. Yes; Mr. Dunkley told me it had been used before; he told me McEwen used it in the neighboring factory and he said it done fine.

Q. Did you get any information from that source?

A. No, I did not ask any information from anybody; I thought it was too simple.

Q. Mr. Dunkley said that he wanted the work done by a machine, did he?

A. He says, when I peeled them by hand, he says, "We must get a machine to do that," and I says, "I cannot make a machine," and he says, "That is all right, Stewart will make it."

Q. The first you heard of any machine, then, was the mention by Mr. Dunkley; is that right?

A. Yes, that was the first.

Q. Did Mr. Campbell seem to have any ideas about a machine when he first saw you? [493]

A. Not when he saw me first; in the first place when he came to me he said that Mr. Dunkley had sent him to me to see what was needed with such a machine; so when I showed him he said "I can make a machine that will do that."

(Testimony of William Brunker.)

The COURT.—Q. Immediately?

A. Immediately.

Mr. CHAPPELL.—Q. What did you show him—what had you been doing in the meantime?

A. I was working on some other work at the time and I stopped that and made some of the solution and put a dozen peaches into it and then took them to the sink and took the brush I had and turned the faucet and brushed them off, and he said, “That is what your machine has got to do”; he says, “I can make a machine that will do that.”

Q. How many peaches had you treated at the time Mr. Campbell first called on you?

A. Probably a couple of dozen.

Q. What was the special reason for your employment by the Dunkley Company; what were you employed to do?

A. I was employed to make jams from some fruit they had on hand, and when I came to make it it was not going to be possible and we did not do it.

Q. Then after that what did you do?

A. Then Campbell came along after that, I could not say just how long after I went to South Haven, but probably a few days, and he said, “I came down to put the factory in shape for the packing season and install some machinery,” and he says, “I have a big table to make,” so I helped him with his work, regular laboring work.

Q. What was the machinery that you installed?

A. Well, it was—the seamer is one of them for seaming the covers on the cans, and there was some

(Testimony of William Brunker.)

vacuum machine there; there were some four or five of them altogether. [494]

Q. Where did these machines come from?

A. I don't know where they came from but they came from one or two cars, I don't know which, and they were there; I could not say just whether they came before I went there or after, but they came on the railway.

Q. Did you arrive there as early as the 1st of July, do you think?

A. I arrived there before the 1st of July, although I could not be positive when it was, but it was before the 1st of July.

Q. Do you think you were there as early as the 1st of June?

A. I think very probably I was; I think I was there, whatever time they were working on cherries, and it could be placed by that; I am not very sure of the cherry season, but they were working in cherries in Kalamazoo when I was there.

Q. I call your attention to a letter and ask you if that is your signature. A. Yes.

Q. I call your attention to the heading on that letter and ask you if that is your handwriting.

A. This is my writing all right.

Q. Did you write it on the date indicated?

A. New York—June 12th; it must have been.

Q. Does that refresh your recollection as to where you were on June 12, 1903?

A. That surprises me very much, that date, because I thought I left New York earlier than that.

(Testimony of William Brunker.)

Q. Do you think now that you were in South Haven in June, 1903?

A. I don't think I could have been if I wrote that in New York.

Q. Did you not stop several days in Kalamazoo on your way to South Haven?

A. I did not; I came in at night and went down and saw Mr. Dunkley in the morning and went [495] down then, started down that day.

Q. Never did any work at all at Kalamazoo?

A. Nothing whatever then or at any other time in the Kalamazoo factory.

Q. Will you please look over this letter and see if it refreshes your recollection as to your duties?

A. Yes.

Q. Is your recollection refreshed by the letter?

A. Nothing more than I recognize the letter and remember writing it, but it don't help me out on the date at all; I was under the impression that it was earlier.

Q. Have you in your possession any letter that you received from the Dunkley Company?

A. No, not now.

Q. Do you remember receiving any letters from them?

A. Well, I have no distinct remembrance of any particular letter; I must have received some communication since I wrote them several; it was in answer to some of theirs that I wrote; but I have no recollection at all of the contents of any of the letters, but I understood I was to go there and I went.

(Testimony of William Brunker.)

Q. This letter of June 12, 1903, resulted in your being employed, did it?

A. I think so; but I don't remember the letter I got telling me to come on; I know I did get one telling me to come on to Kalamazoo.

Mr. CHAPPELL.—The letter identified by the witness is offered in evidence and I ask that it be spread on the record, and that it be marked "Plaintiff's Exhibit 12."

The COURT.—What is its nature? Just a request for employment or what?

The WITNESS.—The proposition that I made to them.

Mr. CHAPPELL.—(Reading:)

"304 West 135th St.
New York, June 12/03.

Dunkley Company,
Kalamazoo, Mich.

Dear Sirs: [496]

Your favor dated 10th inst. just to hand, and in reply would say, that the statement made therein are perfectly reasonable I realize that it is of the utmost importance to you to be assured that the goods will be made up to the standard in quality & be maintained there. In view of this then I make the following proposition

That I come to your place and enter your employment for a period of Three months for the purpose of making Fruit Jams Equal to the Imported Article such for instance as Cross & Blackwells, or any of the

(Testimony of William Brunker.)

other Goods which I have claimed in former communications to be able to make. The amount of remuneration for that period to be fixed by you while I would draw from time to time sufficient for my current Expenses a sum not exceeding at the rate of fifteen Dollars per week the balance to be paid me at the Expiration of the three months.

In the foregoing proposition I have given you every Advantage that I can think of Short of offering you half a million or so for the privilege of doing something for you, which if you do your Part properly, will make more money for you in a few years than all the rest of your business put Together I am corresponding with no other firm, but am very anxious to do so if I cant make connections with you. So I will Esteem it a favor if you will let me hear from you very soon & definitely.

Yours very respectfully,

WM. BRUNKER."

(The letter is marked "Plaintiff's Exhibit 12.")

The COURT.—Q. Where had you had any experience in making jams?

A. I had experience in the old country before I left.

Q. Where? A. In Glasgow.

Q. How long have you been in California? [497]

A. About 8 or 9 years—about 9, I think.

Q. What have you followed since you have been in California?

A. Restaurant business altogether.

Q. You have observed that this is a great canning and fruit section, haven't you?

(Testimony of William Brunker.)

A. Yes; my principal object in coming here was for soup-making, and I had some communication with the Canners Association here, but when I came on here it was a very dull time and I did not feel like going into anything new and there was nothing doing in the canning business, nothing at all, and I went to cooking in a restaurant and then bought one.

Q. Aren't there any of these canning companies out here that are interested in the jam business? Don't they put up jams?

A. I don't know whether they do, or not.

Q. Did you ever try?

A. I never tried anyone but the Canners Association.

Q. To get an engagement in that line?

A. No, I never did.

Q. How did it come that you were not put on jams when you went to the Dunkleys?

A. I was put on it.

Q. You were?

A. I explained that I had made some samples and we found they were unprofitable, they were not going to pay to make the jams, I had said that it would, but we found that it would not.

Q. Then you were set to anything?

A. Yes, to anything until the peaches came on.

Q. How old are you? A. I am 59.

Q. You were about 50 then?

A. Yes—at the time I was at the Dunkley Company?

Q. Yes.

(Testimony of William Brunker.)

A. No, I think that would be—it is more than 9 years since then, isn't it?

Q. You said it was nine years since you came to California. Did you come to California?

A. Yes, that is so, just about nine years, or ten; I never keep track of dates; I don't remember [498] when I did come; I could get proof of that, when I came here.

Mr. CHAPPELL.—Q. Your compensation when with the Dunkley Company was fixed at what time?

A. That was about the month of October or November, Mr. Dunkley just gave me a lump sum when I was going away; he gave me a check for \$200, and I had been drawing some money before for the work I had done.

Q. What was the rate of your compensation then while you were there?

A. I could not tell you just on the moment because there was no rates settled on at all; if I was going to be permanently there there would be a rate you see.

Q. The Dunkley Company lost interest in the jam business?

A. Oh yes, entirely; they were quite justified in that because there was no money in it.

Q. You pickled some peaches, did you not?

A. Yes.

Q. To what extent did you do that work?

A. Well, quite a great extent, the pickling of the peaches with the skins on; they were sent out in barrels, in kegs.

(Testimony of William Brunker.)

Q. What particular part of that work did you do personally? A. I made the syrup.

Q. Did you—

A. —I made the syrup and cooked them.

Q. Did you put the peaches into the syrup?

A. Yes, I cut up the peaches and cooked them and then they were packed, after they were cooked, they had to be soaked all night in the syrup.

Q. You did not take any part in the operation of the plant then where the peach-peeling was done; is that correct?

A. Not except for a couple of days when I was getting the data for the cost; that is all.

Q. When did you get the data for the cost; about what time was that? [499]

A. It was just in the middle of the season,—in fact not the middle of the season, the first part of the season.

Q. Did you see any peach-pitting machinery there? A. No.

Q. Did you see any machinery calling for the use of gears of any particular description? A. No.

Q. Did you see any gears on any cooker that was in use there at any time? A. I don't remember.

Q. Was there a cooker in use there at that time, an automatic cooker?

A. Surely; yes, there was a cooker there; they could not can without it.

Q. How big a structure was that?

A. This was a long—I suppose it was 25 or 30 feet long; they traveled through there in hot water.

(Testimony of William Brunker.)

Q. Was the room where you were employed the same room in which the peach-peeling was done?

A. The room I was employed in?

Q. The one at South Haven?

A. No, not the same room; I was in a little room at the side; I didn't just catch the thought of your question first; the syrup was made upstairs; you understand I was upstairs more than half the time making syrup and sending it down.

Q. During the peach season you were quite busy with the pickling, were you not? A. I was.

Q. When did you see the machine made by Mr. Campbell for the first time?

A. I seen it from its very beginning; I saw him make or get the brushes that were to be fastened on the belt, that is, to make them carry; that was the first thing; then he riveted those on to the belt and then he made the stand for it, and he called me one day to show me how it was going to work.

The COURT.—Q. Did he make the rotary brushes also? [500]

A. No, he got them in Chicago; he showed me a drawing of them before he sent them.

Q. He did make a drawing of them, did he?

A. Just a little sketch on his letter, which he was sending.

Q. He didn't go to Chicago to get the brushes?

A. I understand he did afterwards; but he wrote a letter first.

Mr. CHAPPELL.—Q. How did you happen to

(Testimony of William Brunker.)

know of his going afterwards for brushes to Chicago?

A. Because when he came back he told me—he said, “I had to go there myself, I could not get them any other way.”

Q. When did you first see the cylindrical brushes or revolving brushes, or didn’t you see any?

A. Yes, I saw them; I don’t know what length they actually were when they actually got them, but they were spoken of as being 3 feet long each; whether he got them that length or not I could not say now.

Q. The first brushes of that kind that you saw were made there in the factory, were they?

A. No—the first brushes I saw were made—the revolving brushes came from Chicago—

Q. That is, the revolving brushes came from Chicago? A. Yes.

Q. When did they come from Chicago as near as you remember?

A. I could not say; I could not give you the date for that.

Q. You say that the brushes were riveted on to the belt; will you just describe how that was done?

A. Yes.

Q. Did you do any of the work of the riveting?

A. No, I did not do any work at all in connection with the machine.

Q. How were they riveted on?

A. I could not tell you; I know they were riveted.

Q. What kind of rivets were used? [501]

A. That I don’t know either.

(Testimony of William Brunker.)

Q. How does it happen that you know they were riveted on?

A. Because I saw them riveting them on; I did not notice—he told me he was going to rivet and then I saw him do it, but what kind of rivets he used or anything I could not say; I did not see.

Q. Was he using a hammer or a punch to head the rivets down? A. I could not remember now.

Q. But you saw him upset the rivets or fasten the rivets; is that right?

A. I saw him put them on, but paid no more special attention than that I knew he was doing it; I knew he was putting brushes on the belt to stay there.

Q. In place of riveting might he not have put them on with screws?

A. I am sure he could have done that; I had no authority over him.

Q. You say you saw him getting the brushes. What do you mean by that?

A. Well, he bought a little brush, something like a nail-brush, and that was too wide and he halved that.

Q. Those are the brushes that he riveted on?

A. Yes.

Q. What kind of a belt was it?

A. I think it was a rubber belt; I am not sure, because he said rubber would stand water best, and I understood it was a rubber belt he put that on, but of course that I am not positive of either.

Q. When did he discuss the matter of withstanding the water?

(Testimony of William Brunker.)

A. At the time he was speaking about putting it on the belt.

Q. What did you know about the water there?

A. We knew that there was a whole lot of water to be used in the peeling of peaches.

Q. Can you describe how that was to be used?

A. Yes, there was to be one pipe between the two revolving brushes and one under them, and they were all to play on the [502] peaches as they went through on the carrying belt.

Q. Did he describe that all to you before he made the machine, how he was going to do it?

A. Yes, except it was an afterthought, the water on the top was an afterthought; all he intended using in the first place was two, and then when he had the machine made he said, "I guess we had better put another pipe on top to play down on the peaches."

Q. When did he put the pipe on top, do you remember?

A. When he finished the machine, as far as it was finished; when I saw the machine of course it was very crude when I was there, it was not finished.

Q. When did he get that machine finished?

A. It was the latter part of the peach season when he tried it out; there was not over half of the help there when we tried it; the season was just coming to a close.

Q. How many of the conveyor-belts were there in the machine when it was completed?

A. Conveyor-belts?

Q. Yes.

(Testimony of William Brunker.)

A. There was only one conveyor-belt; we had no line conveyor, just the machine.

Q. You did not hear him say anything about a machine with two conveyors in it?

A. No, but he told me that if he ever made it again he would make two or three all in a row; that is what he said then; he said of course it would be a practical machine.

Q. Did you examine the machine carefully after it had been operated to see just what it was?

A. Yes, quite critically because I put through the peaches and it done the work so well I thought that was quite plenty.

Q. But you didn't get into the insides of that machine [503] to see just how it was done?

A. Well, I saw it in the course of being built and I thought I knew a good deal about it; but I have no mechanical skill you know, and I could not do anything with it.

Q. Was there any lye-tank for delivering the peaches to this belt machine? A. No.

Q. Where was the machine set up and operated?

A. Just in front of the engine-room on the lower floor of the factory; they had to take it there to get the end of the shaft out of the engine-room to get power.

Q. It would be in what is called the basement, I suppose?

A. Hardly; there was something below that again; I think there was a floor below that if I am not mis-

(Testimony of William Brunker.)

taken now, where they received the goods from the railway; still it was a lower floor of the main building.

Q. You are sure you saw only one machine there, are you? A. Yes.

Q. How many peaches were peeled in it when you saw it? A. I peeled three bushels myself.

The COURT.—Q. You ran the machine after it was built, did you?

A. Mr. Campbell ran the machine and I prepared the peaches and put them through.

Mr. CHAPPELL.—Q. That was all the machine was operated when Mr. Campbell operated it?

A. Yes.

Q. From the time of the first discussion of this machine until it was finished how much time elapsed?

A. From the time it was finished?

Q. From the time it was first discussed with you until it was finished.

A. I could not say about the time; Mr. Campbell could not work at it much because he had other things to attend to, and it might be as much as two months; it might be more [504] than that, from the time he commenced until the finish.

The COURT.—Q. What is your best judgment as to the date of its commencement, of the month?

A. Sometime about the latter part of August; I think probably that would be about it.

Mr. CHAPPELL.—Q. Do you remember what time in the month of August you made the first test of the lye?

(Testimony of William Brunker.)

A. No; I don't remember the date at all; I could not give you the dates at this time.

Q. You had been working at peaches some little time before that matter come up, had you?

A. Yes, we had worked I think about a couple of weeks.

Q. And then after you had been working at peaches for a couple of weeks Mr. Dunkley discussed this matter with you?

A. Yes, he discussed the matter with me.

Q. And then after that? Mr. Campbell came to see you? A. Yes.

Q. How long after?

A. Just the next day—just after I had got it tried out and Mr. Dunkley was satisfied, he sent Campbell along and Campbell came in and just said what I have already said; that Mr. Dunkley wanted a machine to peel these peaches, and he was to see me to see what it was to do, and I put through a dozen peaches to show him, and he said “that is all right, I will make a machine for that.”

Q. How long after Mr. Dunkley spoke to you was it before Mr. Campbell came in to see you?

A. I think it was the next afternoon, and then that very night he told me how he was going to build the machine.

Q. Do you know the date of the beginning of the peach season at South Haven that year?

A. No, I do not.

Q. What had you been doing previous to the handling of these peaches?

(Testimony of William Brunker.)

A. I had been helping to put up that peeling-table and [505] helping to install machinery; I was helping Campbell do that.

Q. How long after Mr. Campbell first discussed with you about the frame?

A. He commenced that in a day or two, but he could not go far without the brushes, he had to get the brushes from Chicago; how long it took him to get them I don't just remember.

Q. Do you remember of his trying to make any brushes before he went to Chicago?

A. No, I don't remember him ever trying it at all.

Q. How long was he gone to Chicago?

A. I don't know.

Q. You were rooming with him at the time, were you not?

A. Not at that time; I was rooming in the first place.

Q. How long had you roomed with him?

A. Well, from the time I went there first until the peach season opened up in the factory, and then I think they needed the room for something else, and I went up town.

Q. How long after making the belt and riveting the brushes to it was it before you had to work on the frame or were you called on to work on the frame?

A. I could not say.

Q. Do you think it was two weeks?

A. I do not think so; I think he commenced it in a very few days after the thing was first proposed,

(Testimony of William Bruncker.)

but it dragged out before it was finished on account of the fact he had other work to do; there was no other person could work on it but himself; he could not put any man to work on it but himself.

The COURT.—Q. What other work was he engaged on at that time?

A. He was superintendent of the factory and had all the thing to look after.

Q. Mr. Campbell was superintendent of the factory?

A. Yes; it was him I took my instructions from, of course, when Mr. Dunkley was not there I mean.

[506]

Mr. CHAPPELL.—Q. Who was over him, did you say?

A. Mr. Dunkley was the only one I knew that was over him; of course I never called his authority in question, but it was Mr. Campbell I looked to when he was not there.

The COURT.—Q. The younger Mr. Dunkley was not around?

A. Well, he was around quite considerably, but I never happened to come in contact with him, I mean not much.

Q. What did he do?

A. I never knew whether he had any definite position or not; the son had the whole run of the factory.

Q. Mr. Campbell though was the regular superintendent of the factory?

(Testimony of William Brunker.)

A. I always looked upon him as such; I understood that and I understand it now too.

Mr. CHAPPELL.—Q. Did he make the belt with the brushes on before or after he had been to Chicago?

A. The belt was made before he went to Chicago at all, I think even before he wrote for the brushes, if I am not mistaken.

Q. It was some days after you were first talking to him before you saw him making that belt brush?

A. No; that was just in a day or so after that; that was the first thing commenced.

The COURT.—Q. The belt brush?

A. The belt brush.

Q. He didn't make the frame—

A. —Because you could get them right there, before the frame was made at all; I suppose he had to wait and see what they were going to put on the frame before they made it?

Mr. CHAPPELL.—Q. Do you know what a friction-gear is?

A. Yes, I know, because he told me at that time.

Q. Did you see any friction-gears there used by Mr. Campbell?

A. Yes; and he said if he ever made another machine he would never have a friction-gear on it; but there was a friction-gear [507] on the one he made, a friction pulley; that was for the driving of the revolving brushes.

Q. Did he make that gear himself?

A. I don't think he made it; I think he got it made

(Testimony of William Brunker.)

up town somewhere, but I don't know that either. I never saw it until it was on the machine.

Q. Was there any belt to drive this machine?

A. Yes, there was a belt from the driving pulley and then there was a belt from that to drive the friction pulley.

Q. Where was the connection to the water?

A. He got that—in the tryout we had a rubber hose there, and I think that we got the water from the engine-room; I am not sure about that either, but it was brought to the machine by a rubber hose.

Q. Then after that how was it done?

A. It never was done after that as far as I know; so far as I know I put all the peaches through it that was ever put through it.

Q. Do you know Mr. Mapes of South Haven?

A. I do now, but I did not then.

Q. You never saw him around there at that time?

A. I never saw him until I saw him outside.

Q. Were there any tanks, metal tanks used around the plant when you were there?

A. In connection with this machine or anything, do you mean?

Q. In any way?

A. I do not remember; I do not think so, but I do not remember it.

Q. How did you get into communication with the defendant in this case?

A. Well, he lived in Berkeley and up to a year ago I lived in Oakland, and him and I have been quite often together within the last 5 or 6 years.

(Testimony of William Brunker.)

The COURT.—Q. The defendant—you are speaking of Mr. Campbell? [508]

A. I am speaking of Mr. Campbell.

Q. How did you come in contact with the defendant—who is the defendant?

The CLERK.—The Central California Canneries Company is the first one?

A. I understand now; I don't know anything about that; it was Mr. Campbell came for me, he came after me.

Mr. CHAPPELL.—Q. When did Campbell see you about this matter?

A. It was several months ago now; he came up to Sacramento and told me of this case coming up and he said I was the only one in California that knew about that machine, and he would likely have to call on me; that was the first thing.

Q. Have you been back to Kalamazoo or South Haven since you were there?

A. No, I have never been back east since I came out to the State of California.

Q. When was this matter first discussed with you after you left South Haven? A. This suit here?

Q. The matter of this machine and that brush that Campbell claims he built?

A. I do not suppose we hardly ever met but it was brought up in the conversation, either that machine or some other machine that he made.

The COURT.—He means by that they rarely met but the subject was discussed?

A. Yes.

(Testimony of William Brunker.)

Mr. CHAPPELL.—Q. When did you first meet Mr. Campbell after that acquaintance with him at South Haven?

A. The first time I met him was on Broadway, Oakland, by accident, and he had been out in this place a couple or three years before I was, probably longer than that, but I remember his coming because he wrote me in New York he was going to California; I didn't know his address or anything, but I met him by accident in Oakland, and that is 5 or 6 years ago; that is [509] the first time I met him since the time I seen him in the east.

Q. When did you take any steps to refresh your recollection as to dates about this machine?

A. You see I can't remember about the dates; I can't give you any dates at all; the only dates I have tried to give you have been all wrong.

Q. Have you given any special attention to looking matters over? A. Since this came up?

Q. Yes. A. You bet you I have.

Q. You were unable to find any memorandum or anything of that kind to refresh your recollection?

A. It took about a whole day to burn my letters up; they were getting too heavy to carry around and I have not a single date.

Q. Were you subpoenaed to appear here as a witness?

A. I don't know; I got no official subpoena; Mr. White wrote me to come down.

Q. Did you receive special compensation for your

(Testimony of William Brunker.)

work in looking up this matter?

A. Not for looking it up; I got my expenses for coming here.

Q. How much money did you receive?

The COURT.—Q. Who first came to see you about it?

A. Mr. Campbell.

Q. Mr. Campbell came to see you?

A. He came to see me; he said that there was word got to him that he had something to do with this machine, there was some trouble about it.

Q. He talked it over with you then?

A. He talked it over then, but he mentioned—I was asking him regarding the dates and he said we had better not discuss that now, you just tell what you know, and then he went away.

Mr. CHAPPELL.—Q. When did Mr. Campbell first see you about testifying here? [510]

A. Well, I suppose it was about two months ago, that he first came to me; I am not sure about it; you cannot get me down to the dates; it was sometime ago, 5 or 6 or 7 weeks it might be.

Mr. CHAPPELL.—I think that is all.

Redirect Examination.

Mr. WHITE.—Q. When did you first meet me, Mr. Brunker, and where?

A. I met you in Sacramento.

Q. How much did you get for coming down here; what was the amount which I sent you? A. \$25.

Q. In order to come down here did you have to

(Testimony of William Brunker.)

employ anyone to take your place in your restaurant?

A. I could not get anybody to take charge of it and I closed it up and it has been closed for two days now.

Q. You came down yesterday morning?

A. Yes.

The COURT.—\$25 would be rather skimpy pay for two days?

A. You bet it would, but I didn't intend to close the place.

Mr. WHITE.—Q. The closing of your place was due to some disturbance up there just a day or so ago; is that correct?

A. Yes.

Q. When you first contemplated coming down here you did not expect to close your restaurant up?

A. No. I put a man there, and he got a little the worst of it and at the last minute I had to close it and I had no time to get another.

Q. In order to fix the date when you went to South Haven did you inquire of any concern with whom you had been previously connected?

A. Yes, I wired to the Empson Packing Company in Longmont, Colorado.

Q. Did you get a reply to that telegram as to when you left their employ?

A. They said I left there about the 22d of [511] November, 1902; of course I know positively that I went from there to New York, and then it was sometime at the beginning of the year that I got into cor-

(Testimony of William Brunker.)

respondence with Mr. Dunkley and then sometime after that I went to him.

The COURT.—Mr. Chappell, when you rested yesterday you said you had a witness.

Mr. CHAPPELL.—He is here.

The COURT.—You had better close your case, hadn't you?

Mr. CHAPPELL.—That is what I was contemplating doing; if I can call that witness I would be very glad to do so.

Mr. WHITE.—Mr. Mapes is out here from Michigan.

The COURT.—We will have a chance to hear him to-day sometime, but I would like to have the case proceeded with as orderly as possible.

Testimony of T. B. Dawson, for Plaintiff (in Rebuttal).

T. B. DAWSON, called for the plaintiff in rebuttal, sworn.

Mr. CHAPPELL.—Q. State your age, residence and occupation.

A. I am 67 years old; I reside in Santa Clara County; Assistant General Superintendent of the California Fruit Canners' Association.

Q. How long have you been such assistant general superintendent?

A. Ever since the organization in 1899.

Q. Are you familiar with the plants of the company that are distributed over the state?

A. Yes.

The COURT.—Q. That is what company?

(Testimony of T. B. Dawson.)

Mr. CHAPPELL.—The California Fruit Canners' Association.

Q. Were you familiar with the machinery used at the plant of the company at Fresno in the year 1902 and 3? A. Yes.

Q. By what name was the process known that was used there? A. For peeling purposes? [512]

A. It was the Vernon machine.

The COURT.—Q. In what year?

Mr. CHAPPELL.—1902 and 1903.

Q. Who installed the machine there, if you know?

A. At Fresno, Mr. Vernon, in 1902.

Q. Do you remember his first name?

A. No, I do not.

Q. Was it Charles J. Vernon? A. Possibly.

Q. What became of the machine there installed?

A. We used it I think two years; I don't know what became of it eventually.

Q. Were similar machines installed at other places at the plants of the California Fruit Canners' Association?

A. To the best of my recollection there were two or three machines installed in 1903; two positively; I cannot say positively about the third machine.

The COURT.—Q. In your canneries?

A. Yes.

Mr. CHAPPELL.—Q. What became of those machines, if you know?

A. Well, eventually they were done away with, I don't know what became of them.

Q. What method or process followed the use of these machines?

(Testimony of T. B. Dawson.)

A. It was the use of caustic soda and we had machines with brushes for brushing the peeling off after it passed through the caustic soda; the brushes had sprays of water playing on them.

Q. I guess I did not make my question clear; what machines succeeded these machines in the plants of the California Fruit Canners' Association?

A. What were called the Beekhuis machine.

Q. (By the COURT.) What is the Beekhuis machine?

Mr. CHAPPELL.—The Beekhuis is a machine that was in interference as appears here in the record.

Mr. WHITE.—About the same as Mr. Grier's; it is almost [513] identical with Mr. Grier's.

The COURT.—Q. What you call the shaker?

Mr. WHITE.—Yes.

Mr. CHAPPELL.—Q. What became of the machines that succeeded them, the Beekhuis machines; are they in use or not?

A. We are still using them with some improvements.

Q. Why were the Beekhuis machines substituted for the Vernon, if you know?

A. We were not satisfied with the Vernon machine; it would not do the work just as we would like to have it done.

The COURT.—Q. How do you mean?

A. The Vernon machine did not do the work satisfactorily.

Q. In what respect I say—in the cleaning of

(Testimony of T. B. Dawson.)

peaches or what? A. Not thoroughly, no.

Q. It did not get the lye deposit off or what?

A. That was the main trouble, yes.

Q. What is the effect of this lye bath upon the skin of the fruit; how do you describe the result?

A. It disintegrates the peel.

Q. It makes a sort of a glutinous mass or what?

A. No, it practically loosens it from the peach and to a certain extent eats the peeling.

Q. Does the skin still retain the semblance of the outer covering as it appeared before it goes into the bath? A. No, it loosens it up.

Q. I do not mean loosen it up; skin may be loosened and yet the skin itself still retain its integrity to some extent. What is the effect of the lye upon it; does it heat it into a mass or does it just simply—

A. —It eats it up to some extent and loosens it on the peach so that by washing or brushing it it washes it off. [514]

Q. Some witnesses have given me the idea that as the peaches come out of this lye bath the appearance was as though they were covered with a sort of mass not looking like the skin as it went in.

A. It does not; it blackens it up and disintegrates it considerably.

Q. So that it does not resemble the skin?

A. No.

Mr. CHAPPELL.—Q. In the Vernon machine was there any objection to the action of the brushes?

A. Yes, there was.

Mr. CHAPPELL.—I think that is all.

(Testimony of E. B. Mapes.)

Cross-examination.

Mr. LYON.—Q. Then after using these Vernon machines for a couple of years you found that you could do away with the brushes and simply use the sprays above the peaches to wash them; is that correct?

Mr. LYON.—That is all.

Testimony of E. B. Mapes, for Defendant (in surrebuttal).

E. B. MAPES, called for the defendant in surrebuttal, sworn.

Mr. WHITE.—Q. State your age, residence and occupation, Mr. Mapes?

A. E. B. Mapes, South Haven, Michigan; machinist; I run a shop there; my age is about 61.

Q. For what period of time have you run that machine-shop in South Haven, Michigan?

A. About 15 years.

Q. State whether or not you ever did any work for the Dunkley Company at South Haven?

A. Yes, I have.

Q. During the year 1903 what method did you follow in keeping track of the work done by you for various concerns in your machine-shop?

A. My usual custom was to book it at the close of the day, and in some cases I would omit that owing to *be* called away or something of that character, and the next [515] day of course I would take the matter up.

Q. Did you make the entries in that book in your own handwriting? A. Yes.

(Testimony of E. B. Mapes.)

Q. I hand you a book and ask you to state what the same is. A. That is mine.

The COURT.—Q. What is it, he asks.

A. It is a sort of day account, day-book.

Q. A sort of what they call a blotter—is that what you call a blotter?

Mr. WHITE.—Q. Did you keep any other book?

A. No.

The COURT.—Q. This was the whole thing then?

A. Yes; this was the only book I kept.

Q. Ledger, journal and day-book? A. Yes.

Q. Double and single entry?

A. No. While I am conversant with that I did not use it; it is too expensive for my business.

Mr. WHITE.—Q. State whether or not you find in that book an account with the Dunkley Company for the year 1903 and if so on what page you find it?

A. I could not give you the page, that is, I could not, without referring to the book.

Q. Turn to page 77.

A. Yes, I have an account here.

Q. How is that account headed?

A. Dunkley Canning Factory.

Q. What is the first item—under what date?

A. For tapping in three set screws, 35 cents.

Q. What is the date of that item? A. July 4.

Q. Of what year? A. 1903.

Q. Now, begin with the item opposite September 28 and *please* the items in that account up to and including the item opposite October 6; just read the date and the entry and the amount? [516]

(Testimony of E. B. Mapes.)

A. September 28, to 2 iron pulleys for peach-washer, \$2.

28th, again, 6 hours time on peach-machine, \$2.40.

September 29, 6 ditto, \$2.40.

The same item on the 30th, 6½ hours' work and 2 pounds of babbits, the total would be \$3.00.

October 1, 1½ hours' time, 2 ¾ set screws, 70 cents.

October 1, bore 2 pulleys, 60 cents.

October 3, cutting shafting one hour, 40 cents.

October 5, 3 hours' time, \$1.20.

Then it is carried over to page 87; October 6, Mapes' time on friction, 8 hours, \$3.20.

Leather for friction, \$1.00.

Q. That is sufficient. Now state, if you know, what that item for friction refers to.

A. Well, that item of friction refers to 3 pulleys, really the friction surfaces that come in contact with one another.

Q. Who gave you the order to make those friction pulleys? A. Mr. Stewart Campbell.

Q. Do you know what they were made for?

A. Yes, I know what he told me they were for.

Q. State whether or not after making them you ever saw them?

A. I saw them on a machine that they were put on.

Q. What was that machine?

A. It was supposed to be a peach-washer.

Q. Can you describe that machine?

A. Well, it was a machine, as near as I can remember—I only saw it just long enough to see a dozen peaches pass over it, a machine probably 4 or 5 feet

(Testimony of E. B. Mapes.)

long, something like that size; of course I don't remember that accurately; probably about breast high; or a little lower, whatever would be a convenient height to work in front of; it had two rolls on it with brush work; of course the size I [517] could not give you, I don't remember it; probably the brushes were in the neighborhood of 4 inches in diameter; one brush was built in a solid formation with the bristles closely placed together all over it, and the other ones, they were in a spiral form running from end to end; I could not remember now whether there were two or three or four of these spiral rows up and down the roll or not; it is a long time to keep track of those things.

Q. Where did you see that machine?

A. At Mr. Dunkley's factory.

Q. What part of the factory, if you know?

A. Well, what we call the long part that paralleled the railroad tracks leading in a northwesterly direction and then on the southwesterly end of it was what was called the engine-room and connecting with that back was what we term a leanto like; it was in that building nearly in the center, perhaps a little closer to the boiler-room than the other end of the building.

Q. To what extent did you see that machine used at the time you saw it?

A. I just saw half a dozen peaches run over it; that is probably all it was.

Cross-examination.

Mr. CHAPPELL.—Q. When did you see the peaches put through that machine?

(Testimony of E. B. Mapes.)

A. Well, I could not give you the exact date; I saw it sometime in the fall after that.

Q. The fall—after October, you mean?

A. Yes; after the stuff was made; but I was in there later on.

Q. When did you see a machine before that?

A. I never saw one before that; that was the first sight of the machine.

Q. When did you begin doing machine work in South Haven? [518]

A. 15 years ago, about that.

Q. When did you first do any work at all for the Dunkley Company?

A. Well, I would have to refer to my books to find that.

Q. Do your books show?

A. All the work I have ever done for them is practically in this book.

Q. Suppose you give the benefit of the first date you have in your book of it?

A. I will look that up; I cannot find the year but I think the item says July 6th; it must have been 1902, for this book covers some time from about that period through to 1904.

The COURT.—Q. You said you did some work for them in July, 1902?

A. Yes, it must have been.

Mr. CHAPPELL.—Q. Do you know what that work was?

A. No, I could not tell you anything further than what is here; I worked on the pipe; I could not give

(Testimony of E. B. Mapes.)

you the nature of it.

Q. Do you remember any other work that you did for the Dunkley Company?

A. I have done lots of work for them, but I did not keep any remembrance of it.

Q. How did you come to put these items down so particularly in September and October?

A. I put down when I done the work in order to collect my pay for it.

The COURT.—Q. Why didn't you do it with the other items; you say you did a great deal for them.

A. I never did anything for them to my knowledge that I did not keep a record of.

Q. You say you don't know what this work was?

A. Merely what it says here; I can't recall the work that I did.

Mr. CHAPPELL.—Q. Do you remember working on any peach-pitting machinery?

A. Peach-pitting machinery, I do not have any [519] remembrance of.

Q. Do you remember making a babbitt bearing at any other time than that indicated here?

A. I cannot recall when I did babbitt work; I presume you will find several items in there but I can't recall them at all; I don't pretend to carry those things in my head for a moment.

Q. You supplied them with pulleys frequently, did you not?

A. I could not tell you as to that; what my books will show is the only thing that I can be guided by.

Q. Do you remember working on a cherry-pitting

(Testimony of E. B. Mapes.)

machine for the Dunkley Company? A. Yes.

Q. When did you do that?

A. That was in 1903, if my remembrance is correct.

Q. You applied for a patent soon after on a cherry-pitting machine, didn't you? A. Yes.

Q. You got into an interference with the Dunkley Company on that, didn't you? A. Yes.

Q. And you conceded that the machine belonged to the Dunkley Company before you got through?

A. I do not concede anything to Mr. Dunkley today.

Q. The interference was decided against you, was it not?

A. It was never carried through.

Q. Who got the patent, you or Mr. Dunkley?

A. Mr. Dunkley I suppose got a patent; I don't know; I did not undertake to go any further, from the simple fact that I did not consider that there was enough in my machine to carry the thing through, to complete it.

Q. You did not get a patent on a cherry-pitting machine, did you? A. No, I did not try to.

The COURT.—Q. What was it, a cherry-pitting machine? A. A cherry-pitting machine. [520]

Mr. CHAPPELL.—Q. You have not felt very kindly toward the Dunkley Company since that time, have you?

A. I have no ill will against Mr. Dunkley at all, not a bit; in fact the interference with Mr. Dunkley did not affect me in the least; I didn't wish to continue in that line of business, I dropped out of it without

(Testimony of E. B. Mapes.)

any feeling; I have no feeling against Mr. Dunkley in the least.

Q. The Dunkley Company took steps to prevent you visiting their plant, did they not? A. No.

Q. You were not aware that you were at any time requested to keep out?

A. No, I was never requested to keep out of the plant in the world.

Q. You always went there whenever you felt like it?

A. I did not go there but a very few times in my life; I had no occasion to go there.

Q. You don't remember of any peach-peeling machine prior to July, 1903; is that right?

A. No, I do not.

Q. Did you see a peach-peeling machine in July, 1903 at the plant of the Dunkley Company?

A. Did I see one?

Q. Yes. A. No, not in 1903.

Q. What was the first time you saw a machine for peeling peaches there?

A. Well, it was sometime after October, after this preliminary machine as I understood it was brought out.

Q. Where did you see the preliminary machine after October, 1903?

A. I was out in what we would call the wing part of the plant.

Q. Was there any provision for lye with the machine when you saw it in October, 1903?

A. No, not that I have any remembrance of.

(Testimony of E. B. Mapes.)

Q. Who operated the machine when you saw it operated?

A. I think it was Mr. Campbell; I could not tell you definitely. [521] I was not in the plant but a very few minutes.

The COURT.—Q. What was the occasion of your going there?

A. I could not tell you; I could not recall what I went there for; it might have been idle curiosity. I am a man that has built a good deal of machinery at one time and very often I go and look at these things in order to get ideas like every other inventor in the world.

Q. Are you an inventor?

A. Yes, I have got up a good many machines one time and another, originated them.

Mr. CHAPPELL.—Q. How long since you were called on to refresh your recollection about the machine for the purpose of testifying here?

A. It must have been in the neighborhood of about six weeks ago, I could not tell you the exact date.

Q. Who called on you?

A. Mr. Stewart Campbell was the first one that I saw in relation to the matter.

Q. Did he show you anything to refresh your recollection? A. No, not a thing.

Q. Did you render bills for the services you rendered? A. Yes.

Q. Have you received any particular compensation for coming here to testify?

A. No, nothing specially.

(Testimony of E. B. Mapes.)

Q. What sum did you receive?

A. I got my travelling expenses; that was all I got out of it.

Q. Did you get anything for your time?

A. No, not a penny.

The COURT.—Q. What are you engaged in now, that is, I mean at home?

A. Creating new ideas mechanically.

Q. I mean is your time of some value?

A. It certainly is; my entire business is held up now.

Q. Why were you willing to come here without compensation?

A. I knew these gentlemen could get me if they wanted me.

Q. And bring you here?

A. Yes; I was given to understand they could.

[522]

Q. They did not tell you that, did they?

A. No, they did not tell me that, but I guess you could get a witness; I have always thought you could get a witness in any case if you wanted him; of course I am not aware of it—

Q. —You are mistaken as to that in a civil case.

A. I am glad to learn that, your Honor.

Q. You were not told that then by the people who told you to come here?

A. Not at all; they did not tell me anything; they asked me if I would be willing to come under certain conditions and I told them yes.

Q. Where did you get the idea that a witness

(Testimony of E. B. Mapes.)

could be compelled to attend at a distance such as this, that is, out of the jurisdiction of your own state to testify in a civil action?

A. I got it from talking with a lawyer down there; he says, "why, they can get you if they want to."

Q. Speaking about this case?

A. In regard to this case?

Q. Yes.

A. I did not mention the case to the man; I asked him if they could take a man into another state as a witness and he said he believed they could; I took his version of it; I didn't know anything about the law.

Q. They could send on a commission to take your deposition before an officer right at your home; they could not take you out of the state?

A. I was not aware of that fact.

Mr. CHAPPELL.—Q. What were the conditions that you were to come on? You mentioned something about conditions?

A. They asked me if I would come for my expenses and I told them yes.

Q. Was that the only condition imposed?

A. Yes, that is the only one.

Q. Referring to this book, will you state whether or not accounts with other people are kept in these books as well as [523] those of the Dunkley Company; you stated this book covers a period of about two years?

A. Yes, I think about; I have not looked at it personally just to see what it did cover.

(Testimony of E. B. Mapes.)

Q. Referring to that book, how much of your time do you think was consumed in working for the Dunkley Company?

A. I would have to look that matter all up in order to give a statement.

Q. They gave you a great deal to do, did they not?

A. I had considerable work from the Dunkley Company.

Q. Was not more than half your work for the Dunkley Company? A. No, I think not; no, sir.

Q. Will you take a look at the book and see what your judgment would be about that?

A. I would have to go at it and figure that all out to give you any definite answer.

Q. A large portion of this book is the account of the Dunkley Company, is it not?

A. No; it is only a small portion of it compared with the rest; there are a good many other accounts in there; I worked for the steamship line; I also worked for the other canning factory and many others; I have done work for the city.

Q. During the season when the Dunkley Company was busy with its machinery did they not go a good deal toward keeping your shop busy?

A. I don't think it took any special effort to keep my shop busy; it came in line with the other work.

Q. But they supplied you with a great deal of employment and bought considerable material of you according to this book, did they not?

A. They bought some stuff from me in the line of the work that they brought me of course, nothing

(Testimony of E. B. Mapes.)

special; I do not look at it from that standpoint.

Q. When did you first become acquainted with Stewart Campbell? [524]

A. It was some time during the summer of 1903.

Q. You did not know him before 1903?

A. No, I never saw the gentleman before until he came into the employ of Mr. Dunkley.

Q. As far as you remember he came into the employ of Mr. Dunkley in the summer of 1903; is that right?

A. I believe that is correct, yes; I could not say definitely when I first met the gentleman; I could not give you that.

Q. The first year that you met him was the time when you saw the peach peeling-machine, is that right?

A. Well, he was in the capacity of a mechanic there and I don't know what work he brought to me first; I could not tell you.

Q. It was during that first year that he was employed that you saw the peeling-machine; is that right?

A. Yes, as near as I can remember that is correct.

Q. How many seasons was he there as far as you remember?

A. Well, he was there about two years, working in the next season until 1904. Now, at what time he left there I could not give you the date.

Q. You did not work on any peach pitting-machines there?

A. No, never to my knowledge; I might have done

(Testimony of E. B. Mapes.)

some work on it, but the work was brought to my shop and I would not know without I asked the party bringing it where the parts went; I would not know otherwise, for I was not in the habit of going to the factory.

Q. Then there was a good deal of work that you would do that you would not know really what machine it was for?

A. Not if I asked the man when he got the thing if he gave me a truthful statement.

Mr. MILLER.—Q. Will you leave this book here until the case is through? [525]

Mr. WHITE.—Defendant offers in evidence the book and asks that it be marked “Defendant’s Exhibit ‘BB,’ Mapes Account-book.”

(The book is marked “Defendant’s Exhibit ‘BB,’ Mapes Account-book.”)

Mr. CHAPPELL.—I think that is all.

Mr. WHITE.—That closes our case.

Mr. CHAPPELL.—Q. Did you do any work for the Dunkley Company after the cherry-pitter interference?

A. I could not tell you; I could not tell you whether I ever did, or not.

Mr. WHITE.—Q. Is this your first visit to California? A. Yes.

Q. State whether or not the prospect of making a visit to California appealed to you?

A. I had a desire to see the country, of course; I had some financial interests north of here that I

(Testimony of E. B. Mapes.)

thought I might look up in making the trip; for that reason I was more free to come than I would otherwise have been.

Mr. LYON.—We understand that the plaintiff has closed their evidence, and that closes the defendant's case.

The COURT.—You had better ask them?

Mr. LYON.—They stated they only reserved the right to call Mr. Dawson, I mean not in surrebuttal, but I mean their case in chief, in rebuttal.

The COURT.—Ask him. Is that correct?

Mr. CHAPPELL.—The case is closed.

Mr. LYON.—Then the defendant rests.

The COURT.—The evidence is closed then, is it?

Mr. MILLER.—No, that is just the point; Mr. Chappell did not understand. [526]

Mr. CHAPPELL.—I understood that the inquiry was if we had our testimony closed in the main case; we have not considered what we should do to meet this surrebuttal testimony, whether it was necessary to call any witnesses, or not, regarding that.

The COURT.—Your evidence I understand in your main rebuttal case is closed?

Mr. CHAPPELL.—In the main rebuttal is closed; that was what I thought was asked, and not about this surrebuttal testimony.

The COURT.—Their surrebuttal is closed now. Have you anything in response to that?

Mr. CHAPPELL.—There may be some two or three items; I would like to consider that with my associate.

(Testimony of E. B. Mapes.)

The COURT.—The court will be in recess until 2 o'clock.

(A recess was here taken until 2 P. M.)

AFTERNOON SESSION.

The COURT.—Is there any further evidence to be offered in this case?

Mr. CHAPPELL.—We have concluded not to call any further witnesses.

The COURT.—The evidence is closed then?

Mr. CHAPPELL.—The evidence is closed.

The COURT.—You may proceed with the arguments. [527]

Argument of Frederick L. Chappell, Esq.

Mr. CHAPPELL.—Your Honor please, as we understand it, there is no question as to the machines of the defendant coming within the terms of the claims of the patent in suit. Therefore I apprehend that there is no particular need of discussing and applying the claims in detail. I may mention that certain claims call for turning of the peach, that that more distinctly appears in the drum machine, but that the machine with the step turns the parts of the peach over, the *halves peaches* over so that both sides are presented to the spray, the step in the shaker accomplishing that result.

We urge that the plaintiff's proofs show clearly a conception of the invention by Mr. S. J. Dunkley as early as August, 1902; that he then experimented with lye for the softening of peaches and immediately set to work on the construction of a machine;

that that machine was produced under his very general direction and explanation to his son Melville E. Dunkley; that the machine with the brush part and the sprays was completed so that as to that matter we are confined by the testimony of Mr. Schau that the machine was in existence at South Haven at that time, minus what they call the prevaricator, that is, the lye part of the machine. Mr. Schau did not see the machine in operation, that part of it, but he saw the same thing in operation in the peach-peeling season as a single line machine. We have produced the framework of that old machine identified by both the witnesses S. J. Dunkley and Melville E. Dunkley and by Mr. Schau. The machine was then completed and installed in effective working order as early as July 15, 1903 in the plant at South Haven. Mr. Schau testifies that he saw the machine in Kalamazoo just before the peach-peeling [528] season at South Haven, saw the water turned on to it and that he saw the machine set up. Mr. Melville E. Dunkley testifies after a refreshing of his recollection about the tank from a letter received from the Clark Engine Company, being the first tank made, and that with the conveyors installed made the first complete machine in operating order in July, 1903; that machine was comparatively of small capacity, was set up and at once tested and then a two line or a three line machine was installed and put into the line for operation in the plant of the Dunkley Company during the peach-peeling season of 1903, and thereafter the

machine was used at South Haven until the remarkable freeze which occurred in the fall of 1906 which destroyed all of the peach trees in that region, making it necessary to ship peaches to South Haven even for the running of a plant, a thing quite remarkable, when up to that time South Haven was considered a leading peach-growing region of Michigan. That we submit our proof, quite complete, as to the reduction to practice and the effectiveness of the device, and that the machine operates by the action of sprays upon the peaches, as we believe fully and clearly appears from the testimony of all the witnesses concerned.

The defense offer as anticipation first, a patent to H. A. Beekhuis. The Beekhuis patent however is referred to in the File-Wrapper and Contents of the Dunkley Patent in suit which they offered at that time and is the patent that was an interference with Dunkley and the patent was issued to Dunkley as the decision of that interference.

There then appears as a matter of anticipation an alleged use at Fresno, and a use at Los Angeles in the plant of the California Fruit Cannery Association and also a use by Grier. [529]

The use by the California Fruit Cannery Association is shown to be that of a brush-machine. They never had water pressure at Fresno that would supply water for a spray; it was a brushing-machine, and we showed by the testimony of Mr. Dawson this morning that not only was that machine which was a Vernon machine, but also the machine at Los

Angeles and also at Hanford was superseded by the machine of Beekhuis which went into interference with Dunkley, the Beekhuis patent being offered in evidence by the defense; so that so far as that is concerned we are entitled to the date of the conception of Mr. Samuel J. Dunkley for his invention in August, 1902. It antedates any of those devices so far as they are shown to have any spray, and none of them were shown to be effective until long afterwards. The Beekhuis machine and the machine of Mr. Grier—

The COURT.—What was the Beekhuis machine?

Mr. CHAPPELL.—The Beekhuis was a spray-machine having a shaker with spray-pipes above and below the shaker and appears in the Beekhuis patent which I will not consume the time to explain to your Honor because I think it is clearly understood from just what I have stated.

The witnesses as to the Grier machine might be stated to tend to show a conception by Grier in 1902, and the completion of a machine in August, 1903, and not before August, 1903, which would be a completion after Dunkley's machine had been proven to have been successfully operated at South Haven on Southern peaches in the middle of July. But under the law Dunkley is entitled when he applies for a patent to the date of the conception of his invention; that is a part of the provision of the patent law, the object of the patent law being [530] to encourage inventors to disclose their inventions and make them patent to the public, the term "patent" meaning that; and when they undertake that public

service the law is liberal with them and gives them the benefit of the date of conception of their invention, if they are diligent in reducing it to practice. Not so with the individual who does not enter into his contract or attempt to enter into that contract with the public by making his invention public so that it can be made use of by the public of the entire country. Mr. Grier did not undertake any such service, and under the statute on the question of anticipation it would be necessary in order to anticipate Dunkley that the complete structure be shown to be in existence and public use prior to the date of Dunkley's conception of the invention; that is the theory of the patent law. But the question does not really arise here because there is no definite proof of what Grier conceived or that he conceived it before the end of the season of 1902, and certainly as long as Dunkley conceived the invention, he was diligent because a machine was organized and peeled peaches in the fall of 1902, and was used with the complete tank structure as soon as the season opened or before the season opened in 1903, he having procured southern peaches on which to operate his machine; so that under any theory, if it should be allowed that Grier had the right to claim his date of conception, he is too late, because the proofs show Dunkley to have been first. But that is not entitled to such consideration because he did not undertake the contract of providing full and complete information so that his invention would be available to the entire public, and therefore he is not entitled to that consideration. Therefore, it seems clear that the machines at [531]

Fresno and at Los Angeles are not entitled to consideration as matters of anticipation of Dunkley's invention.

There then remains the attacks upon the dates of Dunkley's invention which come in the form of surrebuttal testimony.

As to that testimony we most respectfully urge that it is not entitled to consideration to anticipate and wipe out the important invention made by Dunkley.

The testimony of Mr. Campbell was first. That testimony has nothing of record to support it. He produced what he called a diary, but it was not a diary; he put anything in that came to mind, and it would not even serve as a matter of refreshing of his recollection. The circumstances that he sets forth are not such as should appeal to anyone as credible because he says Mr. Dunkley came to him and said, "Campbell, I want a peeling-machine so I can peel peaches by machinery, and you go and see Mr. Brunker; I have told Mr. Brunker about lye, and you just go over and talk this thing over with Mr. Brunker and get up a machine." That is fixed as in the summer of 1903, and immediately Mr. Campbell under this inspiration, just as soon as he got a little slack time, went and saw Mr. Brunker and Mr. Brunker was using a brush on some peaches, so Mr. Campbell says, "Yes, I will make a machine right away," and he soon had the idea, went to Chicago and got some brushes and soon the machine was organized so that it could peel peaches and run all right, in the fall of 1903, so he says. This testi-

mony is supported by the testimony of Mr. Brunker. He says he was there and took part in putting up the frame of the machine at that time, and did not happen to see any other machine there; but the time [532] allowed by Mr. Brunker for the production of the machine is very limited and brief indeed for the production of an important machine that would do such important work, and both gentlemen confess to the inspiration of the thing by Mr. Samuel J. Dunkley—

The COURT.—I do not think Mr. Campbell does; Mr. Campbell ascribed his conception to his own brain.

Mr. CHAPPELL.—He said that Mr. Dunkley approached him and told him that he wished him to make a machine.

The COURT.—Mr. Campbell says Mr. Dunkley approached him and told him he wanted a machine built, but the conception was his.

Mr. CHAPPELL.—That is what I meant to refer to as the inspiration from Mr. Dunkley. I did not mean to state at all that Mr. Dunkley had told Mr. Campbell to do that, but Mr. Dunkley was the inspiring cause—

The COURT.—Yes.

Mr. CHAPPELL.—According to Mr. Campbell, Mr. Dunkley had it in his mind that a machine might be produced, and still, according to Campbell's own story he said, "Campbell, now make me a machine"; there must have been some conception or some idea of a machine in Dunkley's mind at that juncture, and Mr. Campbell's explanation of how that came

about seems to be most extraordinary, that a man should have an idea that a machine could be made and say nothing about it, nothing more than to say to a man in his employ, "Make me a machine and go over and see Mr. Bruncker and get information and data and proceed with the making of the machine." It does not look to me to be probable in view of other circumstances in the case. [533]

Mr. Bruncker testified to having worked on the setting up of the machine. Mr. Bruncker, however, does not identify any machine or have any record or anything of that kind that enables him to testify positively at all; he testified purely from memory.

Mr. Mapes also testifies purely from memory, does not identify any machine or have any data as to the machine, and his testimony so far as Dunkley's earlier conception is of a negative character. He saw nothing, as is also the testimony of Mr. Bruncker of a negative character, that he saw nothing, but both Mr. Mapes and Mr. Bruncker testify to the setting up and organizing of a machine in the season of 1903. Their testimony is negative as to 1902.

We believe that the testimony of plaintiff shows a production of the old frame here "exhibit No. 10" as early as the fall of 1902, and the complete organization of that machine in the summer of 1903, so that it did commercial work, and that it was followed up by commercial machines immediately thereafter. And by commercial machines we do not mean to be understood as saying that any of these machines made in those early days would have been such machines as a manufacturer of machines would

show up at an exhibition and offer for sale to other canners, because they were made and organized in the simplest and most effective manner possibly for use in the plant of the Dunkley Company; they probably would not have been considered in merchantable form, any of them, because they were put up on frames, and a commercial machine which was saleable was not made and shipped out until 1905, according to the testimony in the case, when an iron-frame machine was made. [534]

So that we have opposed to the testimony of the two Dunkleys and Mr. Schau the statement of Mr. Stewart Campbell, and he is identifying this machine numbered 10 states that he put on "Plaintiff's Exhibit 10," a friction-gear to drive the machine, but when he is called upon to point out where that was attached on the frame he does not find a place where it could be attached, discrediting his testimony about a friction-gear, and it transpires that Mr. Mapes, while he states that he furnished a friction-gear, did not identify any machine on which that friction-gear was employed, and the machine produced by the Dunkleys has been identified by Mr. Dunkley, has been identified by three witnesses, and so far as the testimony of Mr. Mapes and Mr. Brunker is concerned, the particular machine which we insist that the evidence shows was set up in July, 1903, would answer for all of their testimony. And we must remember in this matter that the memory of the witnesses in each instance was reaching back for a period of more than ten years, and there might have been many things there which did not particularly appeal to them. The testimony of the

witnesses produced by the Dunkley Company was those of parties who are more or less interested, except Mr. Schau who had been over the ground repeatedly in the meantime and would presumably have a fresher recollection, and the matter had been tried out in the interference, as to which record we deemed it unnecessary to burden the record in this case.

So that applying the rules of evidence, there is but a single witness—Campbell, and we submit that his story is not a probable story under all the circumstances. He indicates a comparatively small salary for his employment, considering the [535] work that he was doing, and he states that when he was offered gratuitously a certain sum, that he became offended and left the employ of the Dunkley Company, and that his line of machinery was not in complete effective operation at the time that he left.

We believe that the rule of law as laid down in the Barbed Wire Patent Case, in the Supreme Court of the United States shows that the defendant has not met the burden which is imposed upon it to anticipate the Dunkley patent.

I have not gone into the testimony in the minutest detail. Your Honor has heard all of the testimony and has seen all of the witnesses and it would appeal to me as unnecessarily burdensome in view of your Honor's grasp of those details to go into that testimony in detail. I think I have stated the position of the plaintiff in a general way, and I trust I have made it clear. If your Honor has any

question to urge, or that you wish me to discuss, I would be glad to consider it.

The COURT.—No, I will hear from the other side.
[536]

Argument of Frederick S. Lyon, Esq.

Mr. LYON.—May it please the Court, in this case it is the position of the defendant first, that having shown in evidence the Beekhuis Patent and the fact that the Beekhuis application for a patent was filed on May 25, 1904, or approximately six months prior to the filing of the application for the patent in suit, by Mr. Dunkley, shifts the burden of proving that Mr. Dunkley produced the invention prior to November, 1904, to the plaintiff; and that that must be shown by such full, clear and convincing proof as is required to show a prior use defense in a patent case.

In that connection I call your Honor's attention to the language of Circuit Judge Colt in the case of Automatic Weighing Machine Co. vs. Pneumatic Scale Corporation, 166 Fed. 293, speaking for the Circuit Court of Appeals for the First Circuit; I will read just a short extract:

“In *Kearney vs. Railroad Company*, 32 Federal, 320,322, Mr. Justice Bradley said: ‘The relative priority of inventions is determined, first, by the dates of the respective patents therefor. But this is not conclusive. Evidence outside of the patents may be given to prove priority. The date of the application, if it describes the invention sufficiently, is conclusive evidence that the invention was made prior to such date.’

The same rule was enforced by Mr. Justice Bradley in *National Machine Co. vs. Brown*, 36 Fed. 317. In the recent case of *Prindle vs. Brown*, 155 Fed. 531, 534, 84 C. C. A. 45-48, this Court said:

‘An application of the character which we have described is [537] of itself a positive and absolute exhibition of everything which the statute requires to constitute an invention.’

In *Bates vs. Coe*, 98 U. S. 31, Mr. Justice Clifford, speaking for the Court, said:

‘The presumption in respect to the invention described in the patent in suit, if it is accompanied by application for the same, is that it was made at the time the application was filed; and the complainant or plaintiff may, if he can, introduce proof to show that it was made at a much earlier date.’

In *Barnes Automatic Sprinkler Co. vs. Walworth Manufacturing Co.*, 51 Fed. 88, Judge Blodgett said:

‘I am therefore very clear that the Talcott patent of January 31, 1882, which relates back to the time it was applied for in April, 1879, clearly anticipates the 4th and the claims of the complainant’s patent.’

This case was affirmed on appeal, 60 Federal, 605.

In the *Barbed Wire Patent* case, 143 U. S. 275, the Court, in considering the evidence on the question of priority of invention, assumed that the date of the application of the patent in suit was the date of the invention; and the same assumption was made in *Miller vs. Eagle Manufacturing Co.*, 151 U. S. 186. See also, *Westinghouse vs. Chartier’s*

Valley Gas Company, 43 Fed. 582.”

The COURT.—Supposing that two men have the same conception, and the conception of one is shown to have anticipated that of the other by the production of an apparatus in pursuance of it but the applications were made on precisely the same day, which one would prevail then?

Mr. LYON.—The rule of law, and I am coming to that in just a moment, in following this through—we will say that A conceives the entire invention on January 1; now, he conceives it; [538] he may made a sketch or drawing of it at that time, but he does nothing at that time further than that—

The COURT.—I am not speaking of that sort of a case. I am putting a case where “A” not only has the conception but he puts it in practice by immediately proceeding to construct an apparatus in accordance with the conception, but he does not make his application until one who has had the same conception at a later date files his application for a patent simultaneously; which would prevail?

Mr. LYON.—“A” would prevail.

The COURT.—Then if the evidence establishes the date of conception you can go back of the application?

Mr. LYON.—Certainly.

The COURT.—That is what I wanted to know.

Mr. LYON.—What takes place however is just what your Honor has put in there, that is, that “A” with diligence reduced it to practice; if there is a point of time in there after his conception when “A” is doing nothing and “B” independently conceives the same invention, does not derive it from

“A,” but “B” with diligence reduces it to practice at the time that “A” is doing nothing with it, or enters on the reduction of it to practice at the time that “A” is doing nothing with it and “B” is diligent all the time, “B” is the original and first producer and entitled to all the patent; if “B” reduces the invention to practice under those circumstances he is the original and first inventor, and he and he only is entitled to a patent, and he may either take out a patent or he may dedicate his invention to the public by not taking out a patent.

The COURT.—In other words, it destroys the priority of the first conception which was not put into practice. [539]

Mr. LYON.—That is true because that conception was only an inchoate and incomplete invention.

In this case we say that the burden of proof has been shifted first by the Beekhuis application. Next we come to the Grier invention and the Grier reduction to practice.

Now, of course in this case there is no contention that Mr. Grier had any knowledge of anything that Bentley did, and they stand as independent inventors without knowledge of each other.

Now, if the evidence in this case shows that a time when Mr. Dunkley was doing nothing in the way of reducing his alleged invention to practice, or if it shows that at a time prior to Mr. Dunkley’s conception of this invention Mr. Grier conceived this machine, and with reasonable diligence, considering the circumstances that he was in, reduced it to practice, then Grier was the man that was the origi-

nal and first inventor and entitled to the patent or entitled to dedicate it to the public and Dunkley by any subsequent acts could acquire no rights.

I will come to the authorities on that in a minute. But we have then the Grier use, and there can be in this case not a shadow of doubt but what that in 1903 Grier at the Pasadena Cannery, and Taylor at the East Side Cannery in Los Angeles as early as the 1st of August, 1903 had these Grier machines in actual operation. That is proven by documentary evidence, and not the least of that documentary evidence is this original invoice for the pump which was delivered by the Baker Iron Works on August 3d, 18(3, as shown by the invoice, to be put into the line at the East Side Cannery, and as the evidence shows at the East Side Cannery the Taylor machine had been used [540] for several days prior thereto.

Now, necessarily, as we all know, if Mr. Grier and if Mr. Taylor had these machines as early as August 1, 1903, completed and assembled in line and ready for operation, Mr. Grier or someone in his connection must have conceived that invention sometime theretofore, because these cannot be made in a day.

The evidence in this case is that at least as early as April 29, or the first few days in May, Mr. Finley started to work on these machines and he had them ready for operation in July, 1903. Now, the evidence in that connection is conclusive, and we produced one of the original machines, and we showed that it never has been abandoned, so we measure up in regard to that evidence to the rule applied by our

Circuit Court of Appeals in the case of *Parker vs. Stebler*, 177 Fed. 210, in regard to that class of evidence. At that we have shifted this burden of proof back to Mr. Dunkley to carry his invention back of his filing date, that same rule applies in testing his evidence.

The COURT.—What was the date of Grier's application?

Mr. LYON.—Grier did not make any application for patent at all. In that connection, however, it is perfectly apparent that that was in all senses of the patent law a public use; it was not a secret use in the sense of the patent law; a secret use would have been where Mr. Grier locked that machine up in a room and nobody but himself knew that he had it there; it would have been a public use, and the authorities are replete with that proposition—if Mr. Grier had locked it up in that room, allowed no one but himself to see it but had used it for purposes of profit—but Mr. Grier in 1903 sold one of the machines, and it was paid for as the record shows in 1903. He sold it to Taylor—the East Side Canning Company.
[541]

The COURT.—The Grier machine was commenced in May or June, was it?

Mr. LYON.—Finley went to work about April 6th, 1903, for Grier, and it was prior to April 29 that he first started the work on these machines.

Now, we have however another reason why the burden of proof has been shifted to the complainant. It has been shown by irrefutable evidence here that the California Fruit Cannery Association at Fresno

in May, June, July, August and September, 1902, were using what we have termed a Vernon machine. It was really, and so far as the claims of the patent are concerned, Claim 22 for instance, in particular—it was really nothing more than the use of the Baker-Chalker fruit-washer patent, for the use of which it was designed, and so far as the latter claims of this patent are concerned that patent itself is a complete anticipation because those claims do not call for the lye-tank as an element at all; they only call for a means for getting off the disintegrated skin of the peach after it has been disintegrated regardless of how disintegrated and the disintegration means are no part of those claims.

In regard to that Vernon machine, we start then with the previous knowledge as we have shown of the use of lye and caustic solution, the immersion of the peach therein, for the purpose of disintegrating the skin; we find Mr. Vernon applying to the manufacturers of this Baker-Chalker brusher and washer and taking it and actually installing it in 1902, and commercially using it in 1902; we find also that the California Fruit Canners Association were so much impressed with that use of 1902 that in 1903 they increased the capacity as even Mr. Fontana himself [542] said, from the single pair of brushes to a single runway brushing or washing-machine in that Fresno plant; they put in at Los Angeles a three-runway-washer, a complete system, and used it there, and as Mr. Dawson says, in 1903 they put in three installations of that kind; they used them in 1902; they used them in 1903; they found in 1904 just one

thing that they could do away with the brushes, and they used the same spray he said that they had always used. In other words, the washing end of washing the fruit off was demonstrated absolutely to them, that they did not need to brush them at all. If there was anything the matter with that Vernon machine it still exists in Mr. Dunkley's machine. If the brushes hurt the peaches with Mr. Vernon they hurt them in Mr. Dunkley's machine. So that the California Fruit Canners Association in 1904 and 1905 through Mr. Beekhuis simply discarded as unnecessary any brushing whatever, but they did not discard the sprays nor the washing.

It is significant here that there is no denial that the output of the Fresno factory in 1903 was all processed, all the peaches were washed as our witnesses have stated, by this Vernon machine with its sprays; significant the fact, as Mr. Fontana says, that when he came there in 1904 he found this pump in the line where our witnesses say it had been placed to give the additional pressure which was required to produce plenty of water for washing the peaches; significant is the fact that although the records and the officers of the California Fruit Canners Association are available to plaintiff yet there is no word of denial that in 1903 the Vernon machine of brushes, a machine manufactured by and bought from the H. K. Miller Manufacturing Company of Glendora, is placed in Los Angeles, and [543] that the pack there was by that means. There is no abandoned experiment in that. The records are produced to prove it. They are more accessible in this case to the plain-

tiff than they are to the defendant. We have shown your Honor that the California Fruit Cannery Association got a free license here. It is unexplained why it was given. All those facts are entitled to consideration on this question.

As said by our Circuit Court of Appeals in the case of *Von Schmidt vs. Bowers*, in the 80 Fed. Rep. 150:

“The contention on the part of counsel for the appellant that no successful machine can be built and operated in accordance with the complainant’s patents is not at all supported by the record, which contains abundant evidence to the effect that machines have been so built, and have ever since been operated with very great success. The fact, if fact it be, that the first machine built by the complainant (called in the record the ‘Davis Machine’) was not successful in its operation, is unimportant. As was well said by the Court in answer to a similar objection in the case of *Mergenthaler Linotype Co. vs. Press Publishing Co.*, 57 Fed. 502, 506.” This authority that I am reading has to do with this question simply, of the fact that no one is ever expected to produce a final perfect machine which cannot be further improved. ‘It would certainly be a novel doctrine to deny to an inventor the fruits of a broad invention because the machine which first embodies it was rudimentary in character, and failed to do as good work as improved machines made subsequently. None of the great inventions could survive such a test.’ ”

I will not take time to analyze the Grier machine. Your Honor [544] will remember that in 1904 two complete machines and the shaker portion of another machine were sold. We have proven that the one which went to the Orange County Preserving Company in 1904 was used up to the time that factory was burned. We have proven that the Taylor machine, the one in the court here, had been used every season since and including 1903 except 1909 and 1914, during which seasons Mr. Taylor packed no fruit.

Now, Judge Hawley, in the case of Wheaton vs. Kendall, 85 Fed. Rep. 672, in regard to this shifting of burden of proof has said:

“In Thayer vs. Hart, 20 Fed. 693, the Court held that, where the defendant in an infringement suit proves that he invented the patented device before the date of the plaintiff’s application, the burden is transferred to the plaintiff to satisfy the Court beyond a reasonable doubt that he first conceived the invention.”

The COURT.—He does go back to the date of conception.

Mr. LYON.—If it is followed up by that diligence we have already referred to.

The COURT.—That goes without saying.

Mr. LYON.—No question about that.

The COURT.—I thought you started out with the claim that it must be tested by the date of application.

Mr. LYON.—No, that is presumptive, and that is where the burden of proof shifts to him *to him* that date of conception and his diligence in reduction to

practice by proof beyond reasonable doubt. In other words, Dunkley's record date in this case is the date of his application for patent in November, 1904, and when he attempts to show a date prior to that for his [545] invention he must prove it beyond reasonable doubt; in other words by the same quantum and kind of proof that the defendant must prove to sustain the defense of prior use.

Now, while these authorities, your Honor, use that term beyond a reasonable doubt, in this connection, you have had enough experience on the bench to know that the term beyond a reasonable doubt in the majority of cases simply means that proof which is clear, whole and convincing, and we in that connection do not assert anything more in this case than that the proof on behalf of Mr. Dunkley must be weighed up and found to convince the Court thoroughly and satisfactorily; that is all that that term means in patent law, in regard to any of these questions for that purpose.

As said by Circuit Judge Coxe, in *Thayer vs. Hart*, 20 Fed. 694:

"The complainant's patent antedating the defendants', it was incumbent upon them to prove beyond a reasonable doubt that theirs was the prior invention. This they have done by proof so positive that the complainant's counsel conceded on the argument that the date of their invention was January 15, 1877; 11 months prior to the filing of the complainant's application. This date being fixed the burden was transferred to the complainant to satisfy the Court by proof

as convincing as that required of the defendant that his invention preceded theirs.”

“In *Webster Loom Co. v. Higgins*, 4 San. & A. 88, the Court (at page 98) says:

‘The burden of proof rests upon the defendants, to show, beyond a fair doubt, the prior knowledge and use set up; but, where they have sustained that burden by showing such knowledge [546] and use prior to the patent, the burden of showing the still prior invention claimed, by at least a fair balance of proof, must rest upon the plaintiff.’ ”

So that in this case we have shifted absolutely by the production of the Grier evidence, the Vernon evidence and by the Beekhuis application date the burden of proving the date to the complainant, but particularly what is more important even, we have shifted that burden to the plaintiff to show that Mr. Dunkley anticipated Mr. Grier and that he actually reduced his invention to actual practice before Mr. Grier reduced his, unless the Court can find that Mr. Dunkley was the prior conceiver and was not lacking in any diligence whatsoever.

Now, of course, in that connection, if your Honor is satisfied with our evidence that in 1902 the Vernon machine as then interrelated was a successful use then there is no possibility of Mr. Dunkley shifting his invention back ahead of that because that use was two years prior to Mr. Dunkley’s application for a patent and a bar on the ground that the invention was no longer novel within the requirements of the patent law, it having been in public use more than two years

prior to the date of Dunkley's application, and in that connection it does not make any difference whether that use was by the inventor or anybody else. In other words, if you find that it is true that the Vernon use was successful at Fresno in the peach season of 1902, and that it used an apparatus as our *witness* have described, then that is an end to this litigation because it anticipates by more than two years the date on which Mr. Dunkley filed his application for a patent.

So that as to that there is no possibility of Mr. Dunkley antedating that by his proof of having the invention prior. But [547] if he had the invention prior to that use would be immaterial. If it were shown in that connection that Mr. Vernon secured his information from Mr. Dunkley still that Vernon use of 1902 would be a perfect defense in this case.

Now, in reference to the Grier use there is a phase of that defense which differs from this last Vernon defense in this; that is pleaded in our answer as a right existing in Mr. Grier as the true original and first inventor to have secured any patent which was securable for this device or to have dedicated it to the public. That is the defense which is referred to in Section 961 of Robinson on Patents, Vol. 3, as follows:

“The third defence consists in a denial that the patentee or his assignor performed the inventive act producing the alleged invention at an earlier date than any other inventors in this country. This defence concedes that the pat-

entee or his assignor is a true inventor of the art or article in question, but denies that he was its first inventor. It is equivalent to either one of two averments: (1) That rival inventors had completely conceived the idea of means embodied in the invention, and were using due diligence in reducing it to practice at the time when the patentee or his assignor conceived the same idea; or, (2) That although the patentee or his assignor had first conceived the idea he did not use due diligence in reducing it to practice, and that in the meantime some later conceiver but more prompt reducer had perfected the invention. This defense raises the same issue which is presented in interference cases in the Patent Office and in proceedings in equity to annul a rival patent, and is sustained when the evidence establishes either one of its equivalent averments."

[548]

Referring now to 30 Cyc., page 873, under the caption "First Inventor," it is said:

"The first inventor is the one who first has a mental conception of the invention provided he exercises diligence thereafter in adapting and perfecting it, but as against a rival claimant who first reduced the invention to practice the burden is upon the first conceiver to show diligence. The party first to reduce to practice is *prima facie* the first inventor, but the man who first conceives and in a mental sense first invents a machine, art, or composition of matter may date his particular invention back to the time of its

conception, if he connects the conception with its reduction to practice by reasonable diligence on his part so that they are substantially one continuous act."

To the same effect is the decision of the Circuit Court of Appeals of the Sixth Circuit in *Christie vs. Seybold*, 55 Fed. 69, reading from page 76, the opinion being by then Circuit Judge Taft, ex-President Taft:

"It is obvious from the foregoing that the man who first reduces invention to practice is *prima facie* the first and true inventor, but that the man who first conceives, and, in a mental sense, first invents, a machine, art or composition of matter, may date his patentable invention back to the time of its conception, if he connects the conception with its reduction to practice by reasonable diligence on his part, so that they are substantially one continuous act. The burden is on the second reducer to practice to show the prior conception, and to establish the connection between that conception and its reduction to practice by proof of due diligence." [549]

Referring again to the decision of the Circuit Court of Appeals for the First Circuit in *Automatic Weighing Machine Co. vs. Pneumatic Scale Corporation*, 166 Fed. 288, page 300:

"The next question we have to consider is whether Watson as a patentee can carry back the date of his invention to the date of his conception; that is, to his drawing and disclosure of January 10, 1896. It is conceded that a patentee

who has used 'reasonable diligence in adapting and perfecting' his invention can carry the date back to his drawings and disclosure; and the only question which arises is whether the law will permit him to do this in the absence of such reasonable diligence. In other words, can a patentee stop with his drawings and disclosure for an unreasonable time, and then, by virtue of his subsequently obtaining a patent, hold this field of invention against a rival inventor whose conception of the same invention was later, and who proceeded with diligence to build a particular machine, or to file an application for a patent? In our opinion he cannot do this under the patent laws.

We understand the true rule to be that a patentee who undertakes to carry back the date of his invention to his drawings and disclosure must show reasonable diligence in adapting and perfecting his invention, either by actual reduction to practice or by filing his application. This rule is supported by the great weight of authority, and we have found no cases which directly hold that this is not the law, although there are some cases in which a patentee has been permitted to carry back his invention to his drawings and disclosure, where the question of diligence was not raised or passed upon. *Loom Co. vs. Higgins*, 105 U. S. 580, 594, 26 L. Ed. 1177; *Dodgg vs. Porter* (C. C.), 98 Fed. 624, 625; *Westinghouse* [550] *Electric & Mfg. Co. vs.*

Stanley Instrument Co., 133 Fed. 167, 68 C. C. A. 523.

No sound reason has been advanced why the doctrine of diligence should not apply to a patentee as well as to an inventor who has not secured a patent. On the other hand, any such distinction in favor of patentees is not in harmony with the patent laws. We have seen that an invention in the sense of the patent law signifies a completed invention, and that the earliest date of an invention is the time of its completion. We have also seen that an invention may be completed either by actual reduction to practice or by filing a complete and allowable application in conformity with the statutes."

In other words, right there we find, as Judge Taft says, that Grier had a right to carry back the date of his invention just as well whether he filed an application for a patent or not, if he shows from the date of his conception diligence. So that in this case we are entitled at least to the date when Mr. Grier put Mr. Finley to work on these devices. Although your Honor may find, as we contend, that there was no unreasonable delay on Mr. Grier's part from the fall of 1902 when he was extremely busy in the canning of his product at Pasadena until April, 1903, in not building the machine earlier for the same reason that it could not be used earlier; he could not finish it for the 1902 season; therefore the question of reasonableness of his diligence is one for the Court in that regard; the same as the question of reasonableness applies to Mr. Dunkley if he has proven a conception at

any other time. It is one rule for all; that is all. Under this decision there is one rule for all whether Mr. Grier or Mr. Dunkley or either of them have made an [551] application for a patent; the making of an application for a patent is a constructive reduction to practice. That means this: that if Mr. Dunkley had never built a machine or completed his invention constructively in the eyes of the law by filing an application for a patent on that, and that is what we mean when we say that the date of the application is *prima facie* the date of the completion of the invention, because it takes the place in the eyes of the law of the actual building of the machine.

The COURT.—The law in other words does not recognize mental processes, but must have ocular or visible proof.

Mr. LYON.—That is it, it must be a complete thing.

The COURT.—You need not spend time on elementary propositions.

Mr. LYON.—I do not want to spend any more time on that. But I want to advert just one minute to one thing in this case and then yield to Mr. White who will conclude the argument on the question of facts, and that is this: I want to call your Honor's attention in this case to the fact that on behalf of the plaintiff not one bit of documentary evidence has been produced to show when the first Dunkley machine was built, not one bit of book or account or documentary evidence has been produced to show on their behalf that they ever had a machine. Both of the Dunkleys, when on the stand, were absolutely

unable to tell the name of a single workman who worked on the first machine; that very fact alone should be sufficient to condemn any attempt upon their part to at this late date assert they made this invention and completed it in 1902, when we have shown that they testified in the interference proceeding that they [552] did not build that machine until 1903, and then not until July, 1903. There has been a remarkable shifting of evidence on their behalf, and it is absolutely inconsistent. We might explain some of these things if they had produced documentary evidence which they had failed to find at the other time, but they have no such excuse as that here.

Mr. WHITE.—I have nothing to add except one point, and that is this: that the elder Dunkley said at no time was a lye-tank built for this "Plaintiff's Exhibit 10." We asked the younger Mr. Dunkley whether such a tank was acquired at any time, and he said yes, and I asked him to describe it, and his description was positively a description of the tank built for the first commercial machine; there we have a contradiction in the testimony of these two witnesses, and strange to say the excuse for their change of testimony given in the interference proceeding and that given in this case rests upon the proposition that in the interference proceeding they thought that the question as to when this first machine was completed included a lye-tank, and they said that machine was completed in July of 1903, thinking a lye-tank was included in the question; but now we have the elder Dunkley in this case stating

that at no time was a lye-tank built for such a machine, so that the existence or nonexistence of that lye-tank would have had nothing to do with their answers in that interference proceeding to the effect that this machine here was completed in July of 1903. [553]

Argument of John H. Miller, Esq.

Mr. MILLER.—I will take up very little time, your Honor, because counsel on the other side have made such a muddy statement of the law that it is almost impossible to understand the position which they assume. The statements that they have made in regard to the proposition of the law is certainly not a very clear *on*, and it is almost impossible, at least for me, to understand what they were driving at.

In the first place, they said that the first defense which they set up is this Beekhuis patent, and they said the object of that was to shift the burden of proof from the defendant to the plaintiff. Now, the Beekhuis patent was applied for on May 25, 1904, and was patented on September 3, 1907. The date of that application is prior to the date of Mr. Dunkley's application; *prima facie*, therefore, Beekhuis was ahead of Dunkley so far as that application for patent was concerned. The respective dates show that. Now they say that throws the burden of proof on the plaintiff to go back of Beekhuis' date of application. That is perfectly true; there is no doubt about that; but they proved that for us, because at the time they put in evidence the Beekhuis patent for the purpose of shifting the burden of proof, they

produced the file wrapper contents of Mr. Dunkley's patent, and it appears from that file wrapper by paper 16 that an interference was declared between this Beekhuis patent and the Dunkley application, and that it was tried out; that it went through all the tribunals of the patent office; that evidence was taken; that each one of them set forth the dates when they made the invention, and all the matter in regard to that, and that it went all the way to the court of appeals of the District of Columbia, and it was there held and decided that [554] Mr. Dunkley was the prior inventor. Now, they produced that proof; they put that in evidence, and here is the decision of the Court of Appeals which says, amongst other things: "Dunkley was the first to invent and put into practice a rapid and effective machine for peeling peaches. This comprised in the combination the jets of water which he evidently realized aided in the removal of the skins when disintegrated by the alkali solution. That he did not realize the full extent of their agency cannot deprive him of the benefits accruing from their use.

"His specifications and construction afforded sufficient foundation for the claims; and as he was the first to conceive the idea and reduce it to successful practice, he is entitled to the award of priority. The decision will therefore be reversed and this decision will be certified to the commissioner of patents. Shepard, Chief Justice of the Court."

Now, they were accommodating enough to produce that proof, and therefore the moment they produced that proof, it put the case back into the position in

which it was before, but with this strengthening feature on our part, that there was a judicial decision by the court of last resort in matters of that kind to the effect that Mr. Dunkley was the first to conceive, the first to reduce to practice, and that he was therefore entitled to his patent. Now, the evidence that was produced in that case is the same evidence that has been produced here, evidence as to the date of Mr. Dunkley's conception, the date of Mr. Dunkley's application or reduction to practice, the building of his machine, and his application for a patent, including this big machine over here, this model, which was made in the fall of 1902. There is a judicial determination by the Court of last resort upon those facts, and the finding of [555] facts in that matter shows that this model was made in the fall of 1902, but without the lye tank; that in the spring of 1903 the lye tank was bought, and that in the peach-peeling season of 1903 the lye-tank was coupled up with this machine, and that this machine was put to use in actual peeling of peaches in 1903, and that immediately thereafter, or later thereafter in the season of 1903, the second machine was built, or the two-line machine, and then after that still another, and still another, and they have been built from that time on. Those things were brought to your Honor's attention in the case that was tried here last fall, Dunkley vs. California Canneries Company, where your Honor went over this matter that was decided by the court of appeals, and the case has now gone to the court of appeals here and is set for argument on the 31st of May. Now, there is

a perfect and complete answer and a record answer, not one based on memory or anything of that kind, but a record of the court of last resort in matters of that kind. After we had gone through four different tribunals of the Patent Office, and it had been threshed out by about a dozen examiners in the Patent Office, first before the examiner, then before the board of examiners, and then before another, and then before the commissioner of patents himself, and finally before the court of appeals of the District of Columbia.

The COURT.—Is that decision conclusive upon this court as to the facts passed upon?

Mr. MILLER.—No, that decision is not conclusive on this court as to the facts that are passed on.

The COURT.—As between those parties?

Mr. MILLER.—As between those parties—it is conclusive [556] as between us and Beekhuis, but not as between us and these parties; it is only advisory upon your Honor in regard to that matter, but the point which I make that the same evidence which is produced by Dunkley here as to the date of his invention is substantially the same evidence that was produced in that action, and which was passed on by these various tribunals, and which was found to be sufficient for the purposes for which it was intended. The burden of proof has not been shifted, and it simply comes down to a plain question of anticipation.

The first question of anticipation is that of the Vernon machine at Fresno. There is no question but what there was a machine in Fresno in 1902 that

was built by a man by the name of Charles J. Vernon, because Mr. Vernon was killed by that accident where the Stockton flier ran into the rear coach of the Owl at Byron on December 22, I think it was, 1902, and therefore the machine, if it was built by Mr. Vernon, was necessarily built before that time. But, if your Honor please, the machine at Fresno was not a water spraying machine; it was an adaptation of an old orange machine that had been gotten up by a man by the name of Baker, which had brushes on it for the purpose of polishing oranges; it was a scrubbing machine, a scrubbing brush, made for the purpose of scrubbing oranges, and he adapted it to use in a machine for peeling peaches, thinking if he could scrub an orange he could likewise scrub a peach.

The COURT.—Vernon did?

Mr. MILLER.—Yes; that was the machine that was built by Mr. Vernon; there was a water pipe there that trickled down with some small drops of water for the purpose of wetting the brushes, but there were no sprays in that machine for peeling the peaches [557] by the spraying machine. If there was any doubt on the question at all, the evidence of Mr. Vernon ought to be the best that could be obtained. Now, here is what we have from Mr. Vernon, your Honor: He took out a patent on that machine which he built there in Fresno; he certainly ought to know what he had invented, and he certainly ought to have known what that machine was. This patent was applied for on November 22, 1902. I call your Honor's attention particularly to that, because within less than a month the man himself,

had passed across the dark divide and had departed from this world; so that this patent stands before us in the shape of a dying declaration from this man just before he died as to what he invented, and what he put in use in that Fresno machine. There is the patent, and there is no suspicion of any water sprays of any kind, character, or description whatever. That this machine that is shown in these drawings corresponds with the description that is given by the witnesses except as to the fact that these witnesses have added a spraying pipe. The machine shows no spray pipe whatever; it shows a set of tanks through which the peaches, after having been subjected to the lye, are passed, and then they pass through a set of brushes that are marked with the letters and described as brushes, and there is not one indication, from the beginning of the patent to the end, that there were every any sprays in that machine for the spraying of the peaches. The trouble with the machine, though, was this, the belt traveled at a very slow rate of speed, and just *the* like the belt in the orange machines travels slow, because they want to get a thorough scrubbing of the oranges; the oranges were to be subjected to the scrubbing operation for quite a period of time, and, therefore, the belt [558] was made to travel very slowly, but the brushes were made to travel very fast, so that they could have a fast brushing of the oranges by these brushes while the oranges were passing very slowly through the machine. Now, when that was done, applied to peaches, the effect of the operation of the brushes was to tear the peaches to pieces, or, rather, to so

disfigure the peaches and tear away so much of the fruit of the peach as to make it an impracticable machine. That was the best thing they could do at that time in the way of peeling peaches by machinery, but it was not an efficient method. And to show that there was no spraying operation carried on there, we have simply to remember that the pressure there at Fresno from these artesian wells feeding and supplying the water to a tank, that is, the water pressure down there at Fresno is not more than about 35 pounds—from 35 to 37 pounds, as one of the witnesses—the water was not sufficient to produce a spraying device for peeling peaches, so much so that when Mr. Fontana came there in 1904 he had to provide a pump and put it on the spray-line pipes to produce a spray that would peel peaches; he said he found there was a small pump there already that had been used for pumping water into the tank, but it was not connected with the spray-line at all; it was only for supplying water to the boiler-room, he said, and he had to put on a larger pump and connect it to the spray line in order to produce a sufficient pressure of water to cut the peaches by the spray. The machine was taken out and all the other machines that were built by Mr. Vernon were taken out, and they disappeared from view, and in their place has been put the machine of this man Beekhuis, which was an interference with us in the Patent Office, and which was decided to be subsequent to us. [559] Now, there is evidence beyond any reasonable doubt; it is not merely evidence; it is proof; it is a demonstration that that machine that was used at

Fresno was not a spraying machine, that it was ineffective; that its construction was such that it could not be used as a spraying machine, and that it was abandoned, and that in its place a Beekhuis machine was placed there which was decided in the interference with Dunkley to be subsequent to Dunkley. That disposes of that machine.

The next one is the Grier machine. The Grier machine, taking it at its face value, was made in August, 1903, or put to use in August, 1903, but that is too late a date, and there is no burden of proof on us there now; we start out now as we were originally. The Grier machine, at its best, was put to use in August, 1903, but the evidence here shows beyond any peradventure of a doubt that Mr. Dunkley had made his invention in the fall of 1902. Now, that disposes of Mr. Grier's machine. And counsel says that Mr. Grier has a right to come back to the date of his conception. There never was a more faulty statement of the law made in any court of the land than that here, that a man who sets up an anticipation by prior use is entitled to carry his invention back to the date of its conception, when he was asleep at night and dreamed or had in his mind or that he merely had a mental conception of the fact that he could build such a machine. The law is too well settled to admit of doubt that that could not be done; that anticipation dates only from the date when they are put into practice and are made public to the world so that everybody can see them; but if he was entitled to go back to his dreams and to the mental conceptions which he had before they were ever com-

municated to anybody else, or ever embodied in any practice, [560] no patent would be safe from attack at all. Any man could come up and say, "I dreamed of that thing years ago," and probably that is all he did; if he had any thoughts on it at all, it was to dream of it; so that while Mr. Grier might have had his machine in 1903, it is entirely too late for any purpose of this case.

Now, the only remaining thing, your Honor, is our friend Mr. Stewart Campbell. I have met a great many men in the inventing line, but of all the craziest and most demented individuals that I have ever come across, Mr. Stewart Campbell is probably the worst. The story which he tells is so utterly improbable, that he must take any man to be a fool who would believe it; he must think that the credulity of a human individual is such that he will believe anything, any improbable story that he might tell, even though that he might make the assertion that the moon is made of green cheese, and that that is sufficient.

Now, in the first place, I want to call your Honor's attention to one remarkable fact which is attributable to the attorneys of the defendant, and not to Mr. Campbell himself. This defense of Mr. Campbell's was not set up in the answer at all. They did set up in the answer that Mr. Dunkley stole this invention from Beekhuis, that he stole it from Mr. Grier, that he stole it from Mr. Monte, that he stole it from Cerroti; those four men are alleged to have been the first and original inventors, and that Mr. Dunkley surreptitiously and unjustly obtained the patent for

that which was invented by these other four men, who were using reasonable diligence in adapting and perfecting the same; but not one word of Mr. Stewart Campbell do we hear in this precious answer, not a word, and yet if Mr. Campbell were telling the truth, why, these gentlemen would be falling over themselves; [561] they could not have gotten out of their own way fast enough to go and get Mr. Campbell and set up the fact that Mr. Campbell was the prior inventor of this device, working right there with Mr. Dunkley; there could be no more perfect defense if it were true, and yet these gentlemen did not think enough of that defense to set it up in the answer. Now, we could have objected to that testimony very properly under the pleadings on the ground that prior invention must be set out under the statute, and notice must be given of the names in the answer. But we were in the same position that your Honor expressed yourself to be in when it was brought out here on some other matter, that you wanted to know the truth as to these facts, and so did we; if Mr. Dunkley was not entitled to this patent, we wanted to know it, and if we were not entitled to it, who is entitled to it; we wanted to know the truth, and we allowed this man to testify as to these outrageous facts, although he was not entitled to give a word of testimony on the subject, because we wanted to find out what the facts were, if there were any facts, in connection with this outrageous testimony which he gave. Now that, your Honor, stamps this defense itself with a badge of improbability that is not to be overlooked. Here was Stew-

art Campbell, a poor, half-demented individual that had wandered around in the wilds of the Klondike looking for gold and that had made a failure of it, and had to come back to his home broke; then he went into the business of fixing up electrical works for some concern there in Kalamazoo, and then he comes and seeks employment, or, rather, gets employment from Mr. Dunkley as a common laborer, or roust-about, at the munificent wage of \$2 a day, not as much as the heavers of cobblestones out on this street get.

The COURT.—They pay higher wages out here.
[562]

Mr. MILLER.—Yes, they do; but here he was working for \$2 a day and yet he says that he was the man who invented the entire line of machinery in that factory, all of them, not merely one; the peach-peeling-machine and all the other machines that were there; that he invented them, and that he installed them for Mr. Dunkley.

The COURT.—Mr. Miller, I do not think you need dwell upon those features of Mr. Campbell's testimony, because it is too improbable for me to give it any credence that he had all these conceptions and was the inventor of these machines. I do not pretend to say he was not there and did not do some work on them, but that he conceived these machines right out of his own head, that is too much for my credulity.

Mr. MILLER.—That is the way it struck me, your Honor, but, as I said, I wanted to give the man a fair chance if he had anything to say; I was willing to

listen to him, although under the pleadings he was not entitled to say anything at all on that subject. But I wanted to know what the truth was, and we allowed him to testify in that way to whatever he chose to testify to.

Now, I say, there is no burden of proof shifted here; that it is not a race between two rival inventors; it is simply a question of anticipation. Mr. Grier comes along and proves a machine in 1903, we will say; we come back and show that is too late; if you had the machine it is not an anticipation, because we made the invention in the fall of 1902. Here is the machine, the mute witness itself that stands there before your Honor, and testified to by three reputable witnesses, two Dunkleys and Mr. Shaw, the third one; and when they call Mr. Bruncker, your Honor will observe he did not even identify the machine as the [563] one which Stewart Campbell made; here is the machine which he identified as the Stewart Campbell machine; the one Stewart Campbell never had anything to do with; they did not dare to ask him to pick out the machine, because he said he had never been in this courtroom before, and he did not know which was the machine; he looked around and the first machine he saw was this one, and he identified that as the one, and yet that is the one over there, not this one, that Mr. Campbell says the dispute is about.

Neither did they ask Mr. Mapes to identify the machine. Now, Mr. Mapes did undoubtedly do some work for Dunkley; his book there shows about half of the work done in that book was for the Dunkley Company from time to time, from the beginning of

the book to the end; he undoubtedly did that work; he might have done some work on the machine at the time which he states there, the fall of 1903, because Mr. Dunkley testified that he built another machine in 1903. The way the thing was is this: This model No. 10 was built in 1902, but without the tank; in the spring of 1903, they got the tank from the Clark Engine & Boiler Company, and they coupled it up with that machine and that machine was tested out and tried and used to a small extent in 1903, and then later during 1903 the second commercial machine was built, which is of this type that we have here. There is no difference between the testimony that was given in the interference and the testimony that was given here; the testimony is exactly the same in both cases, that is to say, that this machine, exhibit 10, together with the complete tank making it a machine that was complete in 1903; the letter of Clark shows that; it shows that the tank was obtained there; but the machine without the tank was in 1902, and [564] the machine with the tank was in 1903, and that is what the record shows in the interference case, and that is exactly what the record shows here in this case.

Closing Argument of F. L. Chappell, Esq.

The law allows an inventor two years after the completion of his invention in which to apply for his patent, and with the inventor the completion of his invention is the thing that is controlling, not the date of his patent application; when did he complete his invention?

We submit that the proof shows conclusively that

Dunkley had his machine organized so that he could test it out, but not the completed machine, the machine with the spray and brushes to peel disintegrated skins in the fall of 1902; that would be the date that Mr. Grier would need to anticipate with a machine as to these claims in which the tank is not especially included; the machine where the tank is set forth, included, Dunkley organized his machine and had it going in July, 1903, exercising every possible diligence, and the machine was operated during that season.

Just a word with regard to the principle of operation of the machine at Fresno and the principle of the operation of the Dunkley machine. We had Mr. Horace G. Baker here, who said that the brushing-machine was made according to the Baker patent, and a reference to figure 3 and figure 2 of the Baker patent, as also to figure 1, will show that the wheels that have the conveyor, which are marked F and F, in figure 1 are of small diameter, showing a very *show* travel for the conveyor. These were not used on whole peaches successfully or to any extent in Fresno, but the peaches were laid in flat and carried along [565] with some slight displacement by the side of the brushes, but nothing that would insure their effective turning and twisting to the presentation of any spray; and the water pressure was delivered from the water-main through an inch-and-three-quarter pipe to a 2-inch pipe when it was operated most successfully, and the apertures in the sprinkling-pipe existed in the cross-section of the pipe itself, showing that it was the purpose to drop water

onto the peaches and then act upon the same with the brushing machine, the brush having a high speed in comparison to the conveyor according to this Baker patent, and in the Vernon patent the brusher is referred to as the brushing-machine 17 at the beginning of the second page of the patent, and it is a brush and nothing else. Mr. Dawson this morning testified that the objection to the machine was the brush, that it was not simply a change in that machine by eliminating the brush from it, because they never would have peeled peaches that way, but that the machine that took the place of it was the Beekhuis machine, which had a shaker and a screen and a spray, and a machine organized to peel by spray, not the spray alone, because the Beekhuis patent is in evidence and offered in evidence, and there were other instrumentalities besides the spray in the Beekhuis; one was the shaking of the peaches one against the other; another the shaking of the peaches so that they encountered the shaker to break the surface and assist the action of the sprays; but no peach could be effectively peeled by attempting to remove the peel therefrom by the brush; therefore, those machines are not to be considered as an anticipation, and as I understand the argument of the defendants, they are not strongly urging the testimony of Mr. Campbell and the others, and it would seem to me for very good [566] reasons. Unless your Honor has some questions to ask, I think the case might as well be submitted, except that there have been numerous authorities referred to by the defense, and if it would be of any assistance to your Honor, we would be glad

to consider these authorities and give you a brief memorandum of authorities on the subject as we view them.

The COURT.—You might do that, if you wish, and serve them on the other side with an opportunity on their part to answer. I would make it brief.

Mr. CHAPPELL.—Very condensed, your Honor; we will not enter into any extended discussion at all, except to point out the pertinency of the authorities; we will not do that unless the engagements of the Court are such that the case will not be reached for disposition for a few days.

The COURT.—It cannot be for some little time. The plaintiff may have ten days in which to submit any authorities they desire, and the defendants ten days thereafter.

[Endorsed]: Filed Oct. 10, 1916. W. B. Maling, Clerk. By J. A. Schaertzer, Deputy Clerk. [567]

*In the Southern Division of the District Court of
the United States, for the Northern District of
California, Second Division.*

Hon. WM. C. VAN FLEET, Judge.

DUNKLEY COMPANY,

Plaintiff,

vs.

CALIFORNIA CANNERIES COMPANY, et al.,
Defendants.

Opinion.

Monday, December 4th, 1916.

JOHN H. MILLER, for Plaintiff.

WILLIAM K. WHITE, FREDERICK S. LYON
and KEMPER B. CAMPBELL, for Defendants.

The COURT. (Orally).—I have been endeavoring to secure an opportunity to write a brief opinion in this case, which is one for the infringement of a patent, but I have been too much taken up with other work, and I have determined that it is better that the cause be decided than that it be delayed further.

There was but one question, really, left at the conclusion of the hearing, and that was the question of priority of conception or invention and use of the device [568] in suit, the validity of the claims, sued on being conceded, and that the defendants' device was within those claims. By reason of the very elaborate brief filed by the defendants, and the contentions made therein as to the testimony, I have taken occasion to review the evidence in its entirety, and I have been unable from my examination to withdraw my mind from the conclusion reached at the trial, that the plaintiff has sustained, in its substantive features, the *onus* cast upon him of showing not only prior invention but prior use.

There are three several anticipating devices involved, two being the subject of patents and one not. The Beekhuis patent was in interference in the Patent Office on the very question of priority, and prior-

ity was awarded to the plaintiff, and this award was sustained by the Court of Appeals of the District of Columbia. It is claimed that the evidence here is in some respects substantially different from that which was presented to that Court, but I am unable to find that there is any such essential difference as to warrant this Court in holding other than in accord with the conclusion reached by the District of Columbia court. While that patent was applied for first, it was issued subsequent to the plaintiff's patent, and therefore is not technically an anticipation, and I am satisfied that the evidence sufficiently shows that it was not such in fact.

As to the Vernon device, it had been in use in Fresno as early as 1902 or 1903. I am unable to hold that that device was an anticipation in its essential characteristics. It operated upon a fundamentally different principle. That was an adaptation to the purposes for [569] which the plaintiff's device was used, that of peeling peaches, of a device by Baker and another for scouring oranges for the market; it had a system of revolving brushes, and it used a saturation or douche of water for the purpose of softening the brushes and of washing the fruit; but the essential operative principle there was the brushes. They were for the purpose of scrubbing and washing the hard outer surface of the skin of the orange and of freeing it from mould and other detrimental substances which interfered with its marketability, and the essential principle was the operation of the brushes. The water was used, as I have suggested, only for a saturating and washing

purpose. I may say, furthermore, that the patent itself did not call for the essential feature which I find characterizes the plaintiff's device, that is, of peeling jets of water, or water admitted at such a high pressure upon the fruit as to act itself as the primary means of washing the skin from the fruit; nor do I think that the manner in which the Vernon patent was used was such as to suggest readily to the mind the idea that peeling jets of water would be efficient for the purpose for which the plaintiff's device was intended. The plaintiff's device operates upon quite a different principle. It has the rotating brushes, but has these peeling jets of water, which are themselves the efficient means of washing off the disintegrated skin of the peach after it has been put through the lye process, and the brushes serve the subsidiary purpose of agitating the fruit and of turning it for the purpose of presenting its different surfaces to the jets of water to enable them to do the efficient work of cleansing the skin [570] after its disintegration by the lye bath; and I am therefore unable to hold that the Vernon device, which was subsequently patented—I think in 1905—can be regarded as an anticipation of the device or the conception embodied in the plaintiff's patent.

The only other device, one that never has been patented, I believe, is that of Grier. It is a very close question as to which of the two minds, that of Grier or that of Dunkley, the first conception of that idea came. They were very nearly contemporaneous, and it is admitted that the Grier device does come within the claim of the plaintiff's patent. But the

evidence fails to show such prior use of the Grier device as to operate to defeat the plaintiff's priority of right. Grier never has applied for a patent, I believe, and the evidence tends to show that upon its coming to his knowledge that it infringed the device of plaintiff, he abandoned that particular device and adopted another.

The main reliance by defendant in the evidence, is upon the testimony of the witness Campbell and that of the witness Brunker. I indicated at the trial, and my mind has been only confirmed in that view by my review of the evidence, that I could not extend the limits of my credulity sufficiently to put credence in the testimony of Campbell. That he worked for the plaintiff at or about the time that he claims, there is no question, but that the claim he puts forth as to what he did in the premises, and the time it was done, is entirely beyond my ability to believe. Brucker tends to corroborate him in certain respects, but it is not sufficient to change my conclusion on the facts. [571]

In its essential substance I regard the evidence on behalf of the plaintiff as making a case substantially free from doubt, that the plaintiff's assignor conceived this device and put it to use at a time at least a year prior to the time claimed by Campbell; and as this is a question on which the case turns, the result is that the decree must go for the plaintiff. [572]

At a stated term of the District Court of the United States for the Southern Division of the North-District of California, Second Division, to wit, the November 1916, term, held at the courtroom thereof at the city and county of San Francisco, State of California, on the 8th day of December, A. D. 1916, PRESENT: Honorable WILLIAM C. VAN FLEET, United States District Judge.

IN EQUITY—No. 201.

DUNKLEY COMPANY,

Plaintiff,

vs.

CENTRAL CALIFORNIA CANNERIES,

Defendant.

Interlocutory Decree.

This cause came on to be heard at this term and was argued by counsel, and thereupon, upon consideration thereof it was ORDERED, ADJUDGED AND DECREED, as follows, to wit:

1. That the full name of the plaintiff is Dunkley Company, and during all the times mentioned in the bill of complaint, said Dunkley Company was and still is a corporation created under the laws of the State of Michigan and having its principal place of business at Kalamazoo, in said State of Michigan.

2. That the full name of the defendant is Central California Canneries, and during all said times said defendant was and still is a corporation created and existing under the laws of the State of California, and having its principal place of business at the city and

county of San Francisco, in the State of California.

3. That on and prior to November 29, 1904 Samuel J. Dunkley, of Kalamazoo, Michigan, was the original, first and [573] sole inventor of a new and useful invention, to wit, a machine for peeling peaches and other fruit; and on said last-named day duly and regularly made application to the Government of the United States for the issuance to him of letters patent therefor, and before the issuance of any such patent, said Dunkley sold and assigned to the Dunkley Company, a Corporation, created under the laws of the State of Michigan, plaintiff herein, the aforesaid invention and application, together with such letters patent as might be granted thereon, and in and by such assignment requested that the said letters patent issue to the said assignee, the Dunkley Company.

4. That such proceedings were had and taken in the matter of said application that thereafter, to wit, on July 21, 1914, letters patent of the United States for said invention, numbered 1,104,175 dated on said last named day, were granted, issued and delivered by the Government of the United States to the said Dunkley Company, a corporation created under the laws of the State of Michigan, whereby there was granted to the said Dunkley Company, its successors and assigns, the sole and exclusive right to make, use and vend the said invention throughout the United States of America and the territories thereof for the period of seventeen years from July 21, 1914; that ever since the issuance of

said letters patent, plaintiff has been and still is the owner and holder thereof.

5. That since the issuance of said letters patent plaintiff has practiced the said invention by putting into use and causing to be put into use machines containing and embodying the invention patented in and by said letters patent and upon each of such machines has marked the word "patented," together with the date and number of said letters patent.

6. That the said letters patent, No. 1,104,175, dated July [574] 21, 1914, are good and valid in law as to claims 1, 2, 3, 4, 5, 6, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, and 26—those being the only claims in respect of which infringement was charged in this case against the defendant.

7. That since the issuance of said letters patent, and within the Northern District of California, in the State of California, the defendant herein, Central California Canneries, a corporation created under the laws of the State of California, without the license or consent of the plaintiff has made and used machines for the peeling of peaches and other fruit containing and embodying the invention described in said letters patent and claimed and protected in and by said claims 1, 2, 3, 4, 5, 6, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25 and 26, and has thereby infringed upon said mentioned claims and each of them.

8. That each and all of the allegations in the bill of complaint herein contained are true, and that none of the defenses set up in the defendant's answer are sustained by the evidence, and that each and all of said defenses be and the same are hereby overruled.

9. That the defendant herein, Central California Canneries, a corporation created under the laws of the State of California, its officers, agents, servants, attorneys, workmen and employees, be and they are and each one of them be and he is hereby permanently enjoined and restrained from making, using or selling any machine or other device for peeling peaches or other fruit containing or embodying the inventions described in said letters patent and claimed, patented and protected in and by said claims 1, 2, 3, 4, 5, 6, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25 and 26, of said letters patent, No. 1,104,175, dated July 21, 1914, or either or any of the said claims, and that a permanent writ of injunction be issued out of and under the seal of this court commanding and enjoining the said defendant, its officers, agents, [575] servants, attorneys, workmen and employees, as aforesaid, which said claims are in the words and figures following, to wit:

“1. In a peach peeling-machine, the combination with a tank or chamber for containing a fluid for softening and loosening the skins, of means which extend through the tank for subjecting the same to the action of said fluid for a uniform period of time, and a washing, spraying and brushing mechanism at the exit end of the tank for removing the softened and loosened skins, co-operating substantially as described.

“2. In a peach peeling-machine, the combination with a skin-softening and loosening device, of a washing, spraying and brushing device, co-operating substantially as specified.

"3. In a peach peeling-machine, the combination with means for softening and loosening the skins, with means for washing, spraying and brushing the peaches, and thus removing the skins, and means for automatically delivering the same from said skin-softening and loosening means to said washing and brushing means, substantially as specified.

"4. In a peach peeling-machine, the combination with means for softening and loosening the skins of same, with means for washing, spraying and brushing same and thus removing the skins, means for automatically delivering them from said skin-softening and loosening means to said washing and brushing means, and a hopper or chute for automatically delivering the peaches to said skin-softening and loosening means, substantially as specified.

"5. In a peach peeling-machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, and a group of perforated water pipes for spraying the peaches with water as they pass lengthwise of and between said pipes, substantially as specified.

"6. In a peach peeling-machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharge end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, and an

endless conveyor arranged longitudinally of and between two of said pipes, substantially as specified.

“14. In a peach peeling-machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, and a chute or hopper for automatically delivering the peaches to the tank-conveyor, substantially as specified. [576]

“15. In a peach peeling-machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, a chute or hopper for automatically delivering the peaches to the tank-conveyor, and a chute or device for automatically delivering the same from said tank-conveyor in a single file, line or row to and between said water pipes, substantially as specified.

“16. In a peach peeling-machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said

conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, and a screen under which the upper run of the conveyor passes for holding the peaches immersed in the liquid as they are carried through the same by the conveyor, substantially as specified.

“19. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit, including a support for the fruit, means for effecting a change of position of the fruit on said supports, and means for directing peeling water-jets upon said fruit.

“20. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing a peeling water-jet upon said fruit as it advances.

“21. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, or means for directing peeling jets of water at intervals upon said fruit as it advances.

“22. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, means for directing peeling jets of water at intervals upon said fruit from above and below as it advances.

“23. In a peeling-machine for removing the previously disintegrated skin from fruit or vegetables, means for directing water sprays against the separate specimens thereof, and means for turning the said specimens to present all parts thereof to the

spray for the purpose specified.

“24. In a peeling-machine for removing the previously disintegrated skin from fruit or vegetables, means for directing the water sprays against the separate specimens thereof, and a support with means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

[577]

“25. In a peach peeling-machine for removing the previously disintegrated skin from fruit or vegetables, means for directing water sprays against the separate specimens thereof, and means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

“26. In a peach peeling-machine for removing the previously disintegrated skin from fruit or vegetables, means for directing the water sprays against the separate specimens thereof, and a support with means for turning the said specimens to present all parts thereof to the spray for the purpose specified.”

10. That plaintiff do have and recover of and from the defendant Central California Canneries, the profits which the defendant has realized and the damages which the plaintiff has sustained from and by reason of the infringement aforesaid, and for the purpose of ascertaining and stating the amount of said profits and damages, IT IS ORDERED, ADJUDGED AND DECREED that this cause be referred to H. M. Wright, Esq., standing Master in Chancery of this court, to ascertain, take, state and report to this Court an account of all the profits received, realized or accrued by and to the defendant

and to assess all the damages suffered by the plaintiff from and by reason of the infringement aforesaid, and that on said accounting the plaintiff have the right to cause an examination of the officers, agents, servants, attorneys, workmen and employees of the defendant, *ore tenus* and also be entitled to the production of the books, vouchers, documents and records of the defendant in connection with the accounting, and that the said officers, agents, servants, attorneys, workmen and employees of the defendant attend for such purpose before the Master from time to time as the Master shall direct.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff do have and recover its costs and disbursements in this suit to be hereafter taxed, and that plaintiff have the right to apply to the Court from time to time for such other and further relief as may be necessary and proper in the [578] premises.

WM. C. VAN FLEET,
Judge of the District Court of the United States.

Receipt of copy of the within Interlocutory Decree admitted this 8th day of December, A. D. 1916.

WM. K. WHITE,
For Defendants.

[Endorsed]: Filed and Entered Dec. 8, 1916.
Walter B. Maling, Clerk. [579]

*In the Southern Division of the District Court of the
United States, in and for the Northern District
of California, Second Division.*

No. 201.

DUNKLEY COMPANY,

Plaintiff,

vs.

CENTRAL CALIFORNIA CANNERIES COM-
PANY,

Defendant.

**Petition of Central California Canneries for Order
Allowing Appeal.**

The defendant herein, Central California Canneries, incorrectly sued as Central California Canneries Company, feeling itself aggrieved by the interlocutory decree and order made and entered in the above-entitled suit on the 8th day of December, A. D. 1916, wherein and whereby it is ordered and decreed that the said defendant, Central California Canneries, be enjoined and restrained from infringing claims 1, 2, 3, 4, 5, 6, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25 and 26 of the United States letters patent No. 1,104,175, issued on July 21, 1914, to the Dunkley Company, plaintiff herein, comes now by its solicitors and counsel and prays this Court for an order allowing the said defendant to prosecute an appeal from the said interlocutory order and decree to the Honorable United States Circuit Court of Appeals for the Ninth Circuit under and according to the laws of the United States in that behalf made and provided, and also that an order be made fixing the amount of se-

curity which the said defendant shall give and furnish, and that upon such security being given, all further proceedings in this court and the issuance and operation of the injunction ordered in and by [580] said interlocutory order and decree be suspended and stayed until the final determination of said appeal by the said United States Circuit Court of Appeals.

And your petitioner will ever pray, etc.

WM. K. WHITE,

F. S. LYON,

KEMPER B. CAMPBELL,

Solicitors and Counsel for Defendant.

Due, legal and timely service of the within petition for an order allowing appeal is hereby accepted and the receipt of a copy of the foregoing petition is hereby acknowledged this 27th day of December, 1916.

FRED L. CHAPPELL,

JOHN H. MILLER,

(By JOHN R. OBER),

Solicitors for Plaintiff.

[Endorsed]: Filed Dec. 27, 1916. W. B. Maling, Clerk. By J. A. Schaertzer, Deputy Clerk. [581]

In the Southern Division of the District Court of the United States, in and for the Northern District of California, Second Division.

No. 201.

DUNKLEY COMPANY,

Plaintiff,

vs.

CENTRAL CALIFORNIA CANNERIES COMPANY,

Defendant.

Assignment of Errors of Central California Canneries.

Now comes the defendant herein, Central California Canneries, incorrectly sued as Central California Canneries Company, and specifies and assigns the following as the errors upon which it will rely upon its appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the interlocutory decree made and entered by this Honorable Court on the 8th day of December, 1916, granting an injunction against said defendant:

1. The above-entitled court, to wit, the District Court of the United States for the Northern District of California, and Southern Division thereof, erred in granting, against said defendant, the injunction contained in and ordered by said interlocutory decree.

2. The said Court erred in granting any relief whatever against said defendant.

3. The said Court erred in not dismissing the bill of complaint herein.

4. The said Court erred in finding or adjudging that the said defendant had infringed United States letters patent No. 1,104,175, issued on July 21, 1914, to the plaintiff, Dunkley [582] Company for "A Machine for Peeling Peaches and Other Fruit."

5. The said Court erred in finding or adjudging that said defendant had infringed any of the claims of said letters patent or had infringed claims 1 or 2 or 3 or 4 or 5 or 6 or 14 or 15 or 16 or 19 or 20 or 21 or 22 or 23 or 24 or 25 or 26 of said letters patent.

6. The said Court erred in finding or adjudging said letters patent were good or valid in law.

7. The said Court erred in finding or adjudging that any of the claims of said letters patent were good or valid in law.

8. The said Court erred in finding or adjudging that claim 1 or 2 or 3 or 4 or 5 or 6 or 14 or 15 or 16 or 19 or 20 or 21 or 22 or 23 or 24 or 25 or 26 was good or valid in law.

9. The said Court erred in finding or adjudging that one Samuel J. Dunkley was the first, original or any inventor of the invention or of any invention set forth in and claimed in and by said letters patent or of any substantial or material part thereof.

10. The said Court erred in finding or adjudging that one Samuel J. Dunkley was the first, original or any inventor of any invention claimed in or by said letters patent or claimed in or by claim 1 or 2 or 3 or 4 or 5 or 6 or 14 or 15 or 16 or 19 or 20 or 21 or 22 or 23 or 24 or 25 or 26 of said letters patent.

11. The said Court erred in finding or adjudging

that plaintiff had proved or established beyond a reasonable doubt the alleged date of the alleged inventing by the said Dunkley of any invention disclosed in or claimed in or by said letters patent or, in respect to said alleged date of invention by him, had made out a case free or substantially free from doubt.

12. The said Court erred in finding or adjudging that the so-called Dunkley model machine was not invented by one [583] Stewart Campbell.

13. The said Court erred in finding or adjudging that the so-called Vernon machine, so identified in the record, and invented by one C. J. Vernon, and by him publicly used in 1902, in Fresno, California, did not embody the said invention and every material part thereof disclosed in and claimed by said letters patent in suit.

14. The said Court erred in not finding or adjudging that said letters patent in suit and each and all the claims thereof in suit were invalid and void by reason of the prior public use in 1902, at Fresno, California, by C. J. Vernon or by the California Fruit Cannery Association of said Vernon machine.

15. The said Court erred in not finding or adjudging that the said C. J. Vernon was the original and first inventor of the invention and of every invention disclosed in and claimed in and by the said letters patent in suit and of every material and substantial part thereof.

16. The said Court erred in not finding or adjudging that one G. E. Grier, of Pasadena, California, was the original and first inventor of the invention and of every invention disclosed in and

claimed in and by the letters patent in suit and of every material and substantial part thereof.

17. The said Court erred in not finding and adjudging that said Samuel J. Dunkley or plaintiff surreptitiously or unjustly obtained said letters patent in suit for that which, in fact, was first invented by said G. E. Grier, who at all times was using reasonable diligence in adapting and perfecting the same.

18. The said Court erred in not finding and adjudging that a machine embodying said invention, described in the said letters patent in suit, and every substantial and material part [584] thereof, was built and publicly used at Pasadena, California, by the Pasadena Canning Company prior to the inventing of said invention by the said Samuel J. Dunkley.

19. The said Court erred in not finding and adjudging that a machine, embodying said invention and every material and substantial part thereof, prior to the inventing of said invention by the said Dunkley was built and sold, at Pasadena, California, by the said Pasadena Canning Company.

20. The said Court erred in not finding and adjudging that a machine, embodying said invention and every material and substantial part thereof, prior to the inventing of said invention by the said Dunkley, was publicly used at Los Angeles, California, by the Eastside Canning Company.

21. The said Court erred in not finding and adjudging that the plaintiff came into Court with unclean hands and was guilty of acts and conduct of such an iniquitous character as to disentitle it to any

relief in a court of equity.

22. The said Court erred in sustaining the objection to the admission in evidence of that certain letter dated August 4, 1903, addressed to Mr. Kennedy and signed M. J. Fontana.

23. The said Court erred in sustaining the objection to the admission in evidence of the copy of that certain letter dated August 5, 1903, addressed to California Fruit Cannery Association and signed E. H. Kennedy.

24. The said Court erred in sustaining the objection to the question asked the witness, Robert I. Bentley, as to whether or not he, the said Bentley, on February 7, 1913, before Calvin T. Milans, a notary public, made the affidavit recited in full in said question.

25. The said Court erred in finding and adjudging that none of the defenses set up in defendant's answer were sustained [585] by the evidence.

In order that the foregoing assignment of errors may be and appear of record, the said defendant presents the same to the Court and prays that such disposition may be made thereof as is in accordance with the laws of the United States.

Wherefore said defendant prays that said interlocutory order and decree be reversed and that said District Court of the United States in and for the Northern District of California be directed to enter a decree dismissing the bill of complaint herein.

All of which is respectfully submitted.

WM. K. WHITE,

F. S. LYON,

KEMPER B. CAMPBELL,

Solicitors and Counsel for Defendant.

Service of the foregoing assignment of errors is hereby duly accepted and acknowledged this 27th day of December, 1916.

FRED L. CHAPPELL,

JOHN H. MILLER,

(By JOHN R. OBER),

Solicitors for Plaintiff.

[Endorsed]: Filed Dec. 27, 1916. W. B. Maling, Clerk. By J. A. Schaertzer, Deputy Clerk. [586]

*In the Southern Division of the District Court of the
United States, in and for the Northern District
of California, Second Division.*

No. 201.

DUNKLEY COMPANY,

Plaintiff,

vs.

CENTRAL CALIFORNIA CANNERIES COM-
PANY,

Defendant.

**Order Allowing Appeal of Central California
Canneries.**

In the above-entitled cause, the defendant having filed its petition for an order allowing an appeal, together with an assignment of errors.

Now, upon motion of William K. White, Esq., solicitor for defendant, it is ordered that the said appeal be and is hereby allowed to said defendant to the United States Circuit Court of Appeals for the Ninth Circuit, from the interlocutory order and decree entered herein on the 8th day of December, 1916, granting an injunction against the defendant, and that the amount of defendant's cost bond on said appeal be and is hereby fixed at the sum of three hundred and no/100 (\$300) dollars.

And it is further ordered that, upon the defendant giving a bond in the additional sum of five thousand and no/100 (\$5,000) dollars, conditioned as required by law, all further proceedings in this court and the issuance and operation of the injunction ordered in and by said interlocutory order and decree entered herein be and are hereby suspended and stayed until the final determination of said appeal by the said United States Circuit Court of Appeals. [587]

It is further ordered that upon the giving of such cost bond, a certified transcript of the records and proceedings herein, as stipulated and agreed to by the parties and as approved by the Court, be forthwith transmitted to said United States Circuit Court of Appeals.

Dated December 30th, 1916.

WM. C. VAN FLEET,
Judge.

[Endorsed]: Filed Dec. 30, 1916. W. B. Maling, Clerk. By J. A. Schaertzer, Deputy Clerk. [588]

*In the Southern Division of the District Court of the
United States, in and for the Northern District
of California, Second Division.*

No. 201.

DUNKLEY COMPANY,

Plaintiff,

vs.

CENTRAL CALIFORNIA CANNERIES COM-
PANY,

Defendant.

Bond on Appeal of Central California Canneries.

KNOW ALL MEN BY THESE PRESENTS:

That Maryland Casualty Company, a corporation, organized and existing under and by virtue of the laws of the State of Maryland, and duly licensed to transact a suretyship business in the State of California, is HELD AND FIRMLY BOUND in the penal sum of five thousand three hundred dollars (\$5,300), to be paid to the said Dunkley Company, its successors or assigns, for which payment, well and truly to be made, the Maryland Casualty Company binds itself, its successors and assigns, firmly by these presents.

The condition of the foregoing bond is such, that

WHEREAS, the said Central California Canneries Company, defendant in the above-entitled suit, has taken an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, to reverse the order and interlocutory decree made and entered on the 8th day of December, 1916, by the District Court of

the United States in and for the Northern District of California, Second Division, in the above-entitled suit. [589]

NOW, THEREFORE, the condition of the foregoing obligation is such that if said Central California Canneries Company shall prosecute its said appeal to effect and shall answer all damages and costs, if it shall fail to make its plea good, then this obligation shall be void, otherwise to remain in full force and effect.

Dated at San Francisco, California, January third, 1917.

[Seal] MARYLAND CASUALTY COMPANY,

By ARTHUR H. CONNOLLY,
Attorney in Fact.

Attest: CHAS. A. QUITZOW,
Attorney in Fact.

Approved this 4th day of January, 1917.

WM. C. VAN FLEET,
Judge.

[Endorsed]: Filed Jan. 4, 1917. W. B. Maling,
Clerk. By J. A. Schaertzer, Deputy Clerk. [590]

*In the Southern Division of the District Court of the
United States, in and for the Northern District
of California, Second Division.*

DUNKLEY COMPANY,

Plaintiff,

vs.

CENTRAL CALIFORNIA CANNERIES COM-
PANY (In Equity—No. 201),

GRIFFIN & SKELLEY COMPANY (No. 202),

J. C. AINSLEY PACKING COMPANY (No. 205),

ANDERSON-BARNGROVER MANUFACTUR-
ING COMPANY (No 206),

GOLDEN GATE PACKING COMPANY (No. 209),

J. F. PYLE & SON, INC., (No. 210),

HUNT BROTHERS COMPANY (No. 211),

SUNLIT FRUIT COMPANY (No. 212),

Defendants,

**Stipulation Respecting Form of Record on Appeal
and Hearing of Appeal in Each of the Above
Cases on the Same Record.**

WHEREAS, pursuant to the stipulation of all the above-named parties, all of the above-entitled cases were heard, tried and determined at the same time upon the same testimony, evidence, proofs and record; and

WHEREAS, in the opinion of said parties, the transcript of the record on appeal therein should embody and embrace the entire record of all the proceedings, statements of counsel, testimony, in the

exact words of the respective witnesses, evidence, proofs and oral arguments, taken, made, adduced or introduced [668] during the final hearing and trial of said cases.

NOW, THEREFORE, subject to the approval of the Court, it is hereby stipulated and agreed, as follows:

1. All of the respective appeals, taken by the respective defendants in the above-entitled cases to the United States Circuit Court of Appeals for the Ninth Circuit from the respective interlocutory decrees made and entered in said cases, may and shall be heard upon one and the same transcript of record.

2. Said transcript of record on appeal shall include and embrace the entire record of all the proceedings, statements of counsel, testimony, in the exact words of the respective witnesses, evidence, proofs and oral arguments, taken, made, adduced or introduced during the final hearing and trial of said cases, as aforesaid.

3. Said transcript of record on appeal shall also include a copy of the bill of complaint, answer, stipulations, orders, interlocutory decree, and opinion of the Court in said case No. 201, but shall not include the respective bills of complaint, answers, stipulations, orders and interlocutory decrees in the other cases above mentioned; it being hereby stipulated and agreed that such other bills, answers, stipulations, orders and decrees are the same as and identical with the said corresponding papers and records in said case No. 201, with the exception of the respective names of the parties defendant in such

other cases; said transcript of record shall also include a copy of this stipulation, of the order herein allowing the withdrawal of all original exhibits in said cases and the transmitting of the same to the Circuit Court of Appeals, and also a copy of the respective petitions for orders allowing appeal, assignments of error, orders allowing appeal, bonds on appeal and citations in all of the above-mentioned cases. [669]

4. That all original exhibits offered in evidence in said cases may be withdrawn from the files of the above-entitled court and of the clerk thereof and by said clerk be transmitted to the United States Circuit Court of Appeals for the Ninth Circuit as a part of said record on appeal; the said original exhibits to be returned to the files of this court upon the determination of said appeal by said Circuit Court of Appeals.

FRED L. CHAPPELL,

By JOHN R. OBER,

JOHN H. MILLER,

By JOHN R. OBER,

Solicitors and Counsel for Plaintiff.

WM. K. WHITE,

F. S. LYON,

KEMPER B. CAMPBELL,

Solicitors and Counsel for Defendants.

Dated December 20th, 1916.

The foregoing stipulation is hereby approved and an order to the same effect is hereby made.

WM. B. GILBERT,

Circuit Judge.

Dated January 2d, 1917.

[Endorsed]: Filed Jan. 4, 1917. W. B. Maling,
Clerk. By J. A. Schaertzer, Deputy Clerk. [670]

*In the District Court of the United States for the
Northern District of California, Second Di-
vision.*

No. 201.

DUNKLEY COMPANY,

Plaintiff,

vs.

CENTRAL CALIFORNIA CANNERIES CO.,

Defendant.

Stipulation Permitting Withdrawal of Exhibits.

It is hereby stipulated and agreed by and between the parties to the above-entitled suit that all original letters patent which were offered in evidence by either party upon the trial of said cause may be withdrawn by the parties offering the same, and printed copies of all such original letters patent substituted in lieu thereof, and that an order may be entered to that effect. This stipulation refers particularly to Plaintiff's Exhibit No. 9, "Dunkley Patents."

Dated April —, 1916.

JOHN H. MILLER,

FRED L. CHAPPELL,

Attorneys for Plaintiff.

F. S. LYON,

WM. K. WHITE,

Attorneys for Defendant.

It is so ordered.

WM. C. VAN FLEET,
Judge.

[Endorsed]: Filed Apr. 21, 1916. Walter B.
Maling, Clerk. [671]

*In the Southern Division of the United States Dis-
trict Court, in and for the Northern District of
California, Second Division.*

No. 201.

DUNKLEY COMPANY,

Plaintiff,

vs.

CENTRAL CALIFORNIA CANNERIES,

Defendant.

No. 202.

DUNKLEY COMPANY,

Plaintiff,

vs.

GRIFFIN & SKELLEY,

Defendants.

No. 205.

DUNKLEY COMPANY,

Plaintiff,

vs.

J. C. AINSLEY PACKING COMPANY,

Defendant.

No. 206.

DUNKLEY COMPANY,

Plaintiff,

vs.

ANDERSON-BARNGROVER MANUFACTUR-
ING COMPANY,

Defendant.

No. 209.

DUNKLEY COMPANY,

Plaintiff,

vs.

GOLDEN GATE PACKING CO.,

Defendant.

No. 210.

DUNKLEY COMPANY,

Plaintiff,

vs.

J. F. PYLE & SON, INC.,

Defendant.

No. 211.

DUNKLEY COMPANY,

Plaintiff,

vs.

HUNT BROTHERS COMPANY,

Defendant.

No. 212.

DUNKLEY COMPANY,

Plaintiff,

vs.

SUNLIT FRUIT COMPANY,

Defendant.

Clerk's Certificate to Record on Appeal.

I, Walter B. Maling, Clerk of the District Court of the United States, in and for the Northern District of California, do hereby certify the foregoing six hundred seventy-one (671) pages, numbered from 1 to 671, inclusive, to be full, true and correct copies of the record and proceedings as enumerated in the praecipe and stipulation respecting form of record on appeal, as the same remain on file and of record in the above-entitled cause, and that [672] the same constitute the record on appeal to the United States Circuit Court of Appeals for the Ninth Circuit.

I further certify that the cost of the foregoing transcript of record is \$395.20; that said amount was paid by defendants; and that the original citations issued in the above-entitled causes are hereunto annexed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said District Court

this 5th day of January, A. D. 1917.

(Seal)

WALTER B. MALING,

Clerk.

By J. A. SCHAERTZER,

Deputy Clerk.

[673]

**Citation on Appeal of Central California Canneries
Co.**

United States of America,—ss.

The President of the United States, to Dunkley Company, a Corporation, Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the city of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the Clerk's Office of the United States District Court for the Northern District of California, Second Division, wherein Central California Canneries Company, a corporation, is appellant, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable WILLIAM C. VAN FLEET, United States District Judge for the North-

ern District of California, this 30th day of December,
A. D. 1916.

WM. C. VAN FLEET,
United States District Judge. [674]

[Endorsed]: No. 201. United States District
Court for the ——— District of ———. Citation on
Appeal. Filed Jan. 2, 1917. W. B. Maling, Clerk.
J. A. Schaertzer, Deputy Clerk.

Service of the within citation is hereby admitted
this second day of January, A. D. 1917.

FRED L. CHAPPELL,
JOHN H. MILLER,
Solicitors for Plaintiff.
By JOHN R. OBER.

[Endorsed]: No. 2915. United States Circuit
Court of Appeals for the Ninth Circuit. Central Cali-
fornia Canneries Company, a Corporation, Griffin &
Skelley Company, J. C. Ainsley Packing Company,
Anderson - Barngrover Manufacturing Company,
Golden Gate Packing Company, J. F. Pyle & Son,
Incorporated, Hunt Brothers Company, Sunlit Fruit
Company, a Corporation, Appellants, vs. Dunkley
Company, a Corporation, Appellee. Transcript of
the Record. Upon Appeals from the Southern Di-
vision of the United States District Court for the
Northern District of California, Second Division.

Filed January 5, 1917.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Ap-
peals for the Ninth Circuit.

By PAUL P. O'BRIEN,
Deputy Clerk.

*In the United States Circuit Court of Appeals for
the Ninth Circuit.*

No. 2915

CENTRAL CALIFORNIA CANNERIES COM-
PANY,

Appellant,

vs.

DUNKLEY COMPANY,

Appellee.

Stipulation Re-Printed Record.

It is hereby stipulated and agreed by and between the parties to the above-entitled suit and similar suits, in which the respective appeals are to be heard upon the same record, that the following portions of the record on appeal need not be printed as a part of the printed record, to wit:

Defendants' Exhibits "L," "M," "N" and "O," the same being the account-books of the Pasadena Canning Company.

Defendants' Exhibit "B-B," the same being Mapes' account-book.

Plaintiff's Exhibits Nos. 2 and 3, the same being enlargements of the drawings in the Dunkley patent in suit.

Plaintiff's Exhibit No. 9, the same being copies of Dunkley patents not in suit.

The respective petitions for orders allowing appeal, assignments of error, orders allowing appeal, bonds on appeals and citations in the cases numbered

as follows in the lower court, to wit: Nos. 202, 205, 206, 209, 210, 211 and 212; it being hereby agreed that said respective papers are identical with the corresponding papers in case No. 201, with the exception of the names of the respective defendants therein. It is agreed that this stipulation shall not prevent said portions so omitted from the printed record being used and referred to by the parties on the hearing of the appeals in said cases, provided that the Court shall consent thereto.

WM. K. WHITE,

F. S. LYON,

KEMPER B. CAMPBELL,

Solicitors for Appellants.

JOHN H. MILLER,

F. L. CHAPPELL,

Solicitors for Appellee.

Dated January 9th, 1917.

[Endorsed]: No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Central California Canneries Company, Appellant, vs. Dunkley Company, Appellee. Stipulation Re-Printed Record. Filed Jan. 9, 1917. F. D. Monckton, Clerk.

Plaintiff's Exhibit 1.

UNITED STATES PATENT OFFICE.

SAMUEL J. DUNKLEY, OF KALAMAZOO, MICHIGAN, ASSIGNOR, BY MESNE ASSIGNMENTS, TO DUNKLEY COMPANY, OF KALAMAZOO, MICHIGAN, A CORPORATION OF MICHIGAN.

MACHINE FOR PEELING PEACHES AND OTHER FRUIT.

1,104,175.

Specification of Letters Patent.

Patented July 21, 1914.

Application filed November 29, 1904. Serial No. 234,715.

To all whom it may concern:

Be it known that I, SAMUEL J. DUNKLEY, a citizen of the United States, residing in Kalamazoo, in the county of Kalamazoo and State of Michigan, have invented a new and useful Improvement in Machines for Peeling Peaches and other Fruit, of which the following is a specification.

My invention relates to machines for peeling peaches, or other fruit or vegetables.

The object of my invention is to provide a machine or apparatus of a simple, efficient and durable construction, by means of which peaches, or other fruit or vegetables, may be automatically peeled very rapidly and cheaply, and without injury to or mutilation of the fruit or the like, and by which also the skin or peel may be removed without waste of the pulp.

My invention consists in the means I employ to practically accomplish this object or result; that is to say it consists, in combination with a peel or skin softening, disintegrating or shriveling means or device, preferably consisting of a tank or chamber containing a heated fluid, and a heater for the same, a conveyor for automatically conveying the peaches through the skin softening, disintegrating or shriveling device and subjecting the peaches to its action for uniform and measured time, a chute or device for delivering the peaches in single file line to a brushing and washing mechanism, and a peach brushing and washing mechanism, preferably comprising a group of three long perforated pipes for spraying water upon the moving line of peaches, and subjecting them to a water brushing action, an endless belt brush arranged between the two lowermost perforated pipes and operating to brush the peaches as they are rotated and to convey them along, and a pair of oppositely rotating cylindrical brushes operating both to rotate and brush the peaches, and having hollow perforated pipe cores for spraying the rotary brushes with water, and rotary cylindrical rubber sponge brushes, also having hollow perforated pipe cores for supplying the same with water; whereby the peaches may be very rapidly and cheaply and perfectly peeled, without waste or injury.

My invention also consists in the novel construction of parts and devices and in the

novel combination of parts and devices herein shown or described.

In the accompanying drawing, forming a part of this specification, Figures 1 and 1^a, taken together, are a plan of a peach peeling machine embodying my invention; Figs. 2 60 and 2^a, taken together, a side view; Fig. 3 is a detail section on line 3—3 of Fig. 1^a; Fig. 4 is a detail plan view showing one set of brushing and washing devices; Fig. 5 is a cross section on line 5—5 of Fig. 3; Fig. 6 65 is a cross section on line 6—6 of Fig. 3; Fig. 7 is a detail longitudinal section through the tank, the conveyor being omitted, on line 7—7 of Fig. 8; Fig. 8 is a cross section on line 8—8 of Fig. 2; Fig. 9 is a detail elevation of the chute or hopper shaking mechanism.

In the drawing A represents the frame of the machine, B is a tank or chamber containing a heated fluid *b* for softening, disintegrating, loosening or shriveling the skin of the peaches as they are conveyed through the tank. The fluid *b* in the tank or chamber B is preferably a liquid, and composed of water with an alkaline material in solution.

C is a heater for heating the skin softening, loosening or disintegrating medium *b*, the heater preferably consisting of steam pipes or coils in the tank, and connected with a steam supply pipe *c*. The skin softening, loosening or disintegrating liquid is contained in a reservoir C¹, having a heater C², and is delivered to the tank B, as required, through a supply pipe C³.

D is a conveyor for conveying the peaches into, through and out of the skin softening, loosening or disintegrating liquid *b* in the tank B. This conveyor or carrier D is, preferably, an endless conveyor traveling on pulleys D¹ D², one at each end of the tank B, and provided with transverse webs *d* and longitudinal webs *d*, dividing the same into a series of buckets or receptacles, each adapted to hold several peaches, say six or eight, in a transverse row, and thus cause the conveyor D to automatically arrange the peaches in a single layer therein, and cause them to be uniformly subjected to the action of the skin disintegrating medium *b*.

The tank B is provided with guides or tracks B¹ B², for guiding and supporting the endless flexible conveyor D. The upper guide B¹ has a downward incline B³ at the

entrance end of the tank, and an upward incline B¹ at the exit from the tank. E is an open screen, preferably of wire netting, secured to the tank A just above the path of the upper run of the endless peach conveyer D, to hold the peaches in the open buckets or pockets of the conveyer and prevent the same from floating to the top of the skin softening, loosening or disintegrating liquid.

E¹ is a feed chute or hopper having partitions E² into which the peaches are emptied in bulk, and by which they are fed or delivered to the endless conveyer D. As the endless conveyer D passes over or around the pulley or wheel D¹ at the exit end of the tank, the peaches are automatically delivered into the inclined and tapering chutes F, one for each longitudinal partition of the conveyer, and thus caused to feed or be delivered in single file between the water pipes and brushes of the washing and brushing mechanism by which the softened, loosened, disintegrated or shriveled skins of the peaches are removed, and the peaches thoroughly washed and freed from all taint or trace of the skin disintegrating or loosening liquid. This washing or brushing mechanism comprises a group of, preferably, three water pipes G, having a series of perforations g arranged to strike the peaches as they are conveyed along between the pipes, and thus to impart to the peaches a rotary movement. The washing and brushing mechanism further, preferably, comprises an endless belt brush H, traveling on pulleys H¹ H² between the two lowermost water pipes G G, and by which the peaches are conveyed along in single file and simultaneously brushed as they are rotated. This washing and brushing mechanism further, preferably, comprises a pair of oppositely rotating cylindrical brushes K K¹, each having a hollow perforated water pipe K² for flooding the brushes with water as they rotate. The bristles or brushing material k of the brushes K K¹, may be of any suitable material, but preferably of vegetable fiber. The bristles or brushing material on the cylindrical brush K¹ are, preferably spirally disposed, and the two brushes K K¹ are rotated at different speeds to aid in turning or rotating the peaches as they are conveyed along between the brushes. For a portion of their length the rotary brushes K K¹ are preferably provided with soft rubber sponge brushing material k², the back or base web k³ of which is provided with perforations k⁴ to flood the rubber sponge material with water from the pipe K². If desired, this rubber sponge brushing material k² may be used for the entire length of the rotary brushes K K¹, although I prefer to employ a bristle-like brushing material for a portion of the length of these rotary brushes.

In practice for firm meated fruit or vegetables the use of fiber brushes for the entire length has been found highly satisfactory and is the most economical. The perforated water pipes G G G, preferably extend beyond the rotary brushes K K¹, so that the water spray may entirely free the surface of the peaches and the like from any particles of skin or peel.

The required movements may be imparted to the several moving parts of my machine by any suitable means or mechanism. The endless conveyer D is preferably driven continuously and at a slow speed, timed to subject the peaches to the action of the hot liquid b just for the time required to disintegrate and loosen the peel of the peach without softening or cooking the pulp beneath the skin to an appreciable depth or extent, by means of a belt M and driving pulley M¹ on the driving shaft M² and gears M³ M⁴, the gear M⁴ being on the shaft D³ of the conveyer sprocket wheels.

The peach feed chute or hopper E is given a horizontal shaking or vibratory movement from the shaft N through the crank N¹, pitman N² and lever N³. This shaking means is not needed for round fruit or vegetables. The several endless belt brushes H are driven continuously from the driving shaft R through the pulley R¹, the pulleys G¹ of the belt brushes at one end being on the shaft R.

Continuous rotary motion is communicated to the rotary brushes, K¹ K¹ from the driving shaft R through a twisted belt R² and pulley R³ on the shaft R⁴, having beveled gears R⁵ meshing with the bevel gears R⁶ on the hollow water pipe shafts K² of the rotary brushes. Water under pressure is supplied to the hollow shafts of the several rotary brushes from the supply pipe T, having branches t leading to each of the rotary brushes and connected to its hollow core or shaft by stuffing boxes t¹. The water supply pipe T¹ also has branches t² leading to the perforated water pipes G.

The water peeling means here shown are available wherever the skin of the fruit or vegetable has been suitably disintegrated or loosened. The particular alkaline treatment is highly effective but I am sure that this may be accomplished otherwise and clearly when the skin of fruit or vegetable is disintegrated the spray means shown will do the work of peeling the same. I desire, therefore, to claim the means to remove the disintegrated peel no matter how the disintegration is accomplished. I desire to claim the means specifically as a peach peeling means, and also generally, the apparatus having been designed especially for peaches and having been found applicable to other work without change.

My entire apparatus is especially designed

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to subject the skin of the peach or fruit or vegetable to the disintegrating solution or means for the briefest possible period that will accomplish the desired result.

1. I claim:

1. In a peach peeling machine, the combination with a tank or chamber for containing a fluid for softening and loosening the skins, of means which extend through the tank for subjecting the same to the action of said fluid for a uniform period of time, and a washing, spraying and brushing mechanism at the exit end of the tank for removing the softened and loosened skins, cooperating substantially as described.

2. In a peach peeling machine, the combination with a skin-softening and loosening device, of a washing, spraying and brushing device, cooperating substantially as specified.

3. In a peach peeling machine, the combination with means for softening and loosening the skins, with means for washing, spraying and brushing the peaches, and thus removing the skins, and means for automatically delivering the same from said skin-softening and loosening means to said washing and brushing means, substantially as specified.

4. In a peach peeling machine, the combination with means for softening and loosening the skins of same, with means for washing, spraying and brushing same and thus removing the skins, means for automatically delivering them from said skin-softening and loosening means to said washing and brushing means, and a hopper or chute for automatically delivering the peaches to said skin-softening and loosening means, substantially as specified.

5. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, and a group of perforated water pipes for spraying the peaches with water as they pass lengthwise of and between said pipes, substantially as specified.

6. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated waterpipes at the discharge end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyer arranged longitudinally of and between two of said pipes, substantially as specified.

7. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the

tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the fruit with water as it passes lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and between two of said pipes, substantially as specified.

8. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and between two of said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, substantially as specified.

9. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and between two of said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, substantially as specified.

10. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and between two of said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, the brushing material of one of said cylindrical brushes being spirally disposed thereon to aid in turning the peaches, substantially as specified.

11. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said

conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and between two of said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes with means for rotating said cylindrical brushes in opposite directions, substantially as specified.

12. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, means for delivering the peaches from said tank in a row or single file to said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, and means for rotating said cylindrical brushes in opposite directions and at different speeds, substantially as specified.

13. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and between two of said pipes, rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, and means for rotating said cylindrical brushes in opposite directions and from each other, substantially as specified.

14. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and a chute or hopper for automatically delivering the peaches to the tank conveyer, substantially as specified.

15. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and be-

tween said pipes, a chute or hopper for automatically delivering the peaches to the tank-conveyer, and a chute or device for automatically delivering the same from said tank-conveyer in a single file, line or row to and between said water pipes, substantially as specified.

16. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and a screen under which the upper run of the conveyer passes for holding the peaches immersed in the liquid as they are carried through the same by the conveyer, substantially as specified.

17. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, an endless conveyer brush arranged longitudinally of and between said pipes, rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, said rotary cylindrical brushes having a fibrous brushing material for a portion of their length, and a rubber sponge brushing material for a portion of their length, substantially as specified.

18. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, and said rotary cylindrical brushes having a fibrous brushing material, substantially as specified.

19. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit, including a support for the fruit, means for effecting a change of position of the fruit on said support, and means for directing peeling water jets upon said fruit.

1,104,175

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20. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing a peeling water jet upon said fruit as it advances.

21. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing peeling jets of water at intervals upon said fruit as it advances.

22. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing peeling jets of water at intervals upon said fruit from above and below as it advances.

23. In a peeling machine for removing the previously disintegrated skin from fruit or vegetables, means for directing water sprays against the separate specimens thereof, and means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

24. In a peeling machine for removing

the previously disintegrated skin from fruit or vegetables, means for directing the water sprays against the separate specimens thereof, and a support with means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

25. In a peach peeling machine for removing the previously disintegrated skin from fruit or vegetables, means for directing water sprays against the separate specimens thereof, and means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

26. In a peach peeling machine for removing the previously disintegrated skin from fruit or vegetables, means for directing the water sprays against the separate specimens thereof, and a support with means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

SAMUEL J. DUNKLEY.

Witnesses:

H. M. MUNDAY,
EDMUND ADcock.

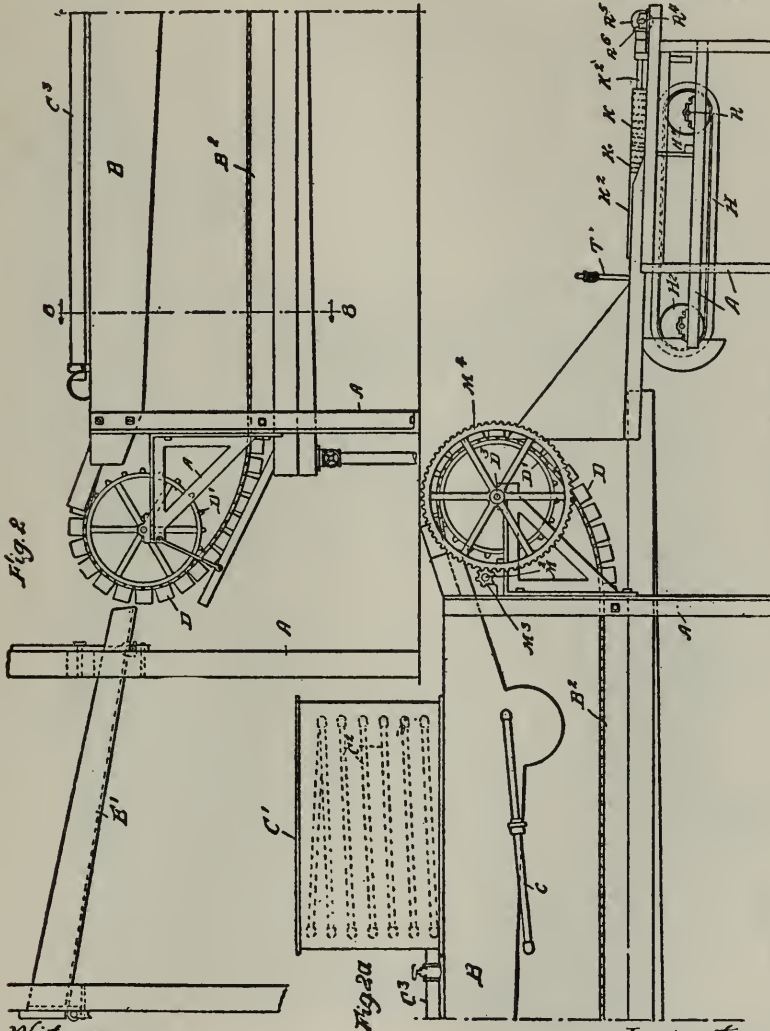
Copies of this patent may be obtained for five cents each, by addressing the "Commissioner of Patents Washington, D. C."

S. J. DUNKLEY.
MACHINE FOR PEELING PEACHES AND OTHER FRUIT.
APPLICATION FILED NOV. 29, 1904.

1,104,175.

Patented July 21, 1914.

4 SHEETS-SHEET 2.



Witnesses:

Wm. Geiger
J. W. W. W.

Inventor:
Samuel J. Dunkley
By Munday, Evans & Ascock.

Attorneys

S. J. DUNKLEY

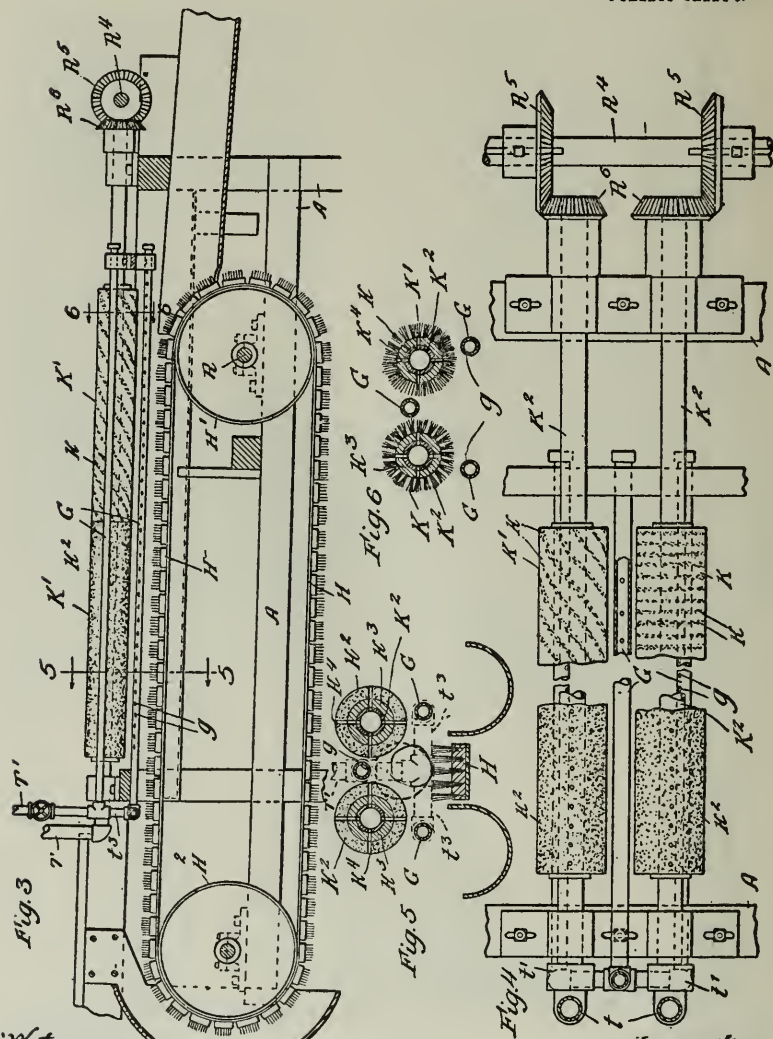
MACHINE FOR PEELING PEACHES AND OTHER FRUIT

APPLICATION FILED NOV. 29, 1904.

Patented July 21, 1914

4 SHEETS-SHEET 3.

1,104,175.



Witnesses:

Wm. Geyer
J. W. Geyer

Inventor:
Samuel J. Dunkley

By Munday, Evans & Aschke,

Attorneys

S. J. DUNKLEY.

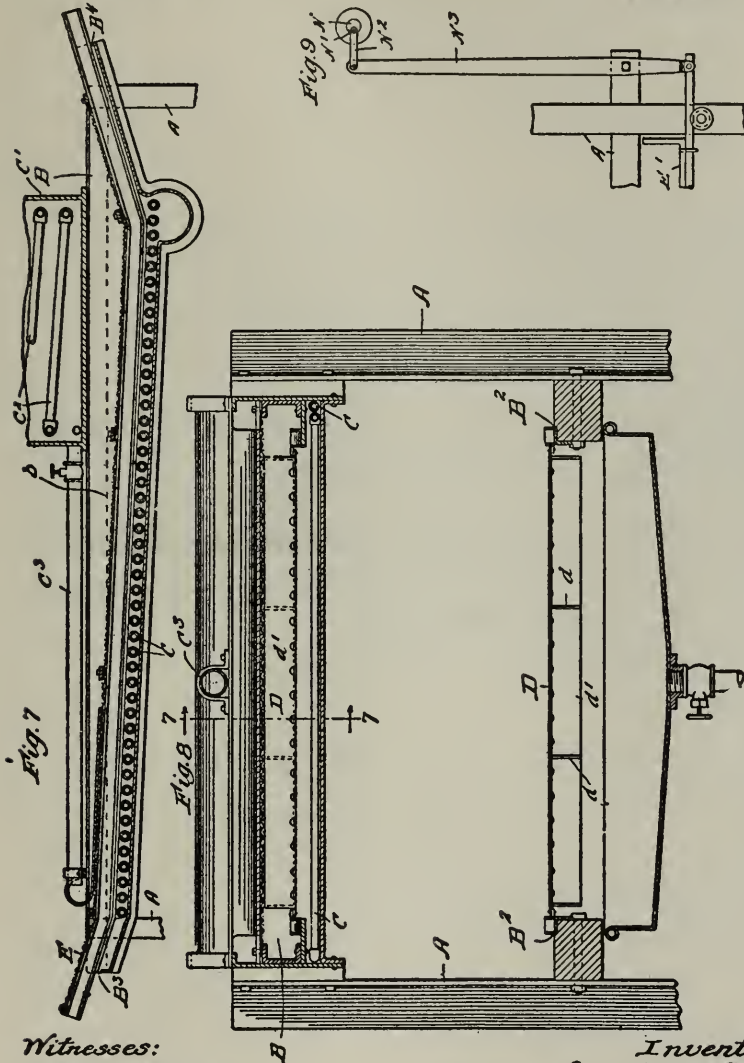
MACHINE FOR PEELING PEACHES AND OTHER FRUIT.

APPLICATION FILED NOV. 29, 1904.

Patented July 21, 1914

4 SHEETS-SHEET 4.

1,104,175.



Witnesses:

Wm. Geiger
At W. Monday

W. D. Munday

Inventor:

Samuel J. Durkley

By Monday, Evans, & Ascock.

Attorneys

[Endorsed]: No. 201. Pltffs. Exhibit 1. Filed
Mch. 28, '16. W. B. Maling. Clerk.

No. 2915. U. S. Circuit Court of Appeals for the
Ninth Circuit. Plaintiff's Exhibit 1. Filed Jan. 5,
1917. F. D. Monckton, Clerk.

**Plaintiff's Exhibit 8—Letter Dated April 21, 1903,
from Clark Engine & Boiler Co. to Dunkley Co.**

[Letter-head of Clark Engine & Boiler Company.]

Apr. 21, 1903.

Dunkley Co.,

City.

Gentlemen:—

In reply to your favor of the 21st, we regret that there should be any disappointment in the cost of the tank; but we find there is no mistake; you can weigh the tank, and you will find that it would be impossible to furnish it for \$25.00. We just charged up the actual time as reported by the foreman of our boiler shop. It would have pleased us, if it had cost even less than \$10.00; but we could not furnish it at a closer figure than the invoice calls for.

Very truly yours,

CLARK ENGINE & BOILER CO.

By G. C.

[Endorsed]: No. 201. U. S. Dist. Court, Nor. Dist. of Cal. Pltffs. Exhibit 8. Filed Mch. 31, 1916. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals, for the Ninth Circuit. Plaintiff's Exhibit 8. Filed Jan. 5, 1917. F. D. Monckton, Clerk.

Plaintiff's Exhibit 11.

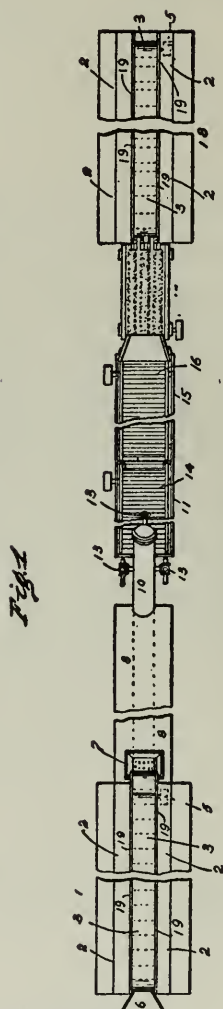
No. 784,527.

PATENTED MAR. 7, 1905.

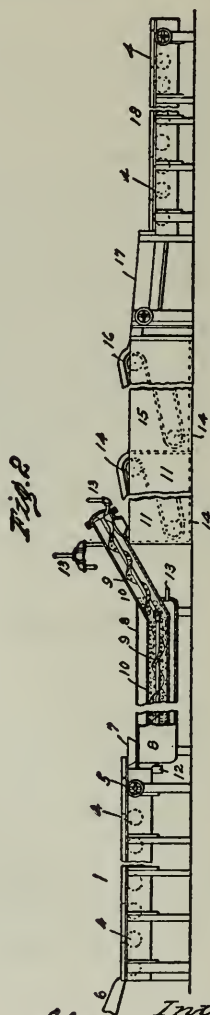
C. J. VERNON.

PROCESS OF PEELING FRUIT.

APPLICATION FILED NOV. 22, 1902



Witnesses
My G. Carter.
L. B. Alderete



Inventor
Charles J. Vernon
 By
Charles S. Rogers
 his Attorney

UNITED STATES PATENT OFFICE.

CHARLES J. VERNON, OF FRESNO, CALIFORNIA.

PROCESS OF PEELING FRUIT.

SPECIFICATION forming part of Letters Patent No. 784,527, dated March 7, 1905.

Application filed November 22, 1902. Serial No. 132,492.

To all whom it may concern:

Be it known that I, CHARLES J. VERNON, a citizen of the United States, residing at Fresno, in the county of Fresno and State of California, have invented certain new and useful Improvements in Processes of Peeling Fruit; and I do hereby declare the following to be a full, clear, and exact description of the invention, such as will enable others skilled in the art to which it appertains to make and use the same.

This invention relates to the method or process of removing the outer covering or peel from fruits; and some of the objects of the invention are to provide such a process or method which is simple in application and efficient for the purpose intended.

It is also an object of this invention to provide a process for removing the outer covering or peel from fruit without injuring the fruit and without producing any deleterious effect to the consumer, as well as to produce a better article than can be done by the means now employed for this purpose.

With these and other objects in view the invention consists in the method or process substantially as more fully described in the following specification, in which the steps of the process or method are described in detail, in connection with the drawings accompanying and forming part of this application, wherein there is illustrated one form of apparatus capable of employment in carrying out this process or method, and in which

Figure 1 illustrates a top plan view of an apparatus which may be employed in carrying out this process or method; and Fig. 2 is a side elevational view of the same, partly broken away.

This process or method relates to the removal of the outer covering or peel from fruit or other articles; and it consists, essentially, in cutting and pitting the fruit, conveying the same within a closed heated receptacle, progressing the fruit through a solution of caustic soda in said receptacle, then discharging the fruit into a solution containing alum, then immersing the treated fruit into cold water, thence discharging the fruit upon a brushing-machine, thence into cold water, from

which the fruit emerges in condition for transportation to the place of deposit or otherwise.

Referring now to the drawings, illustrating an apparatus which may be employed to carry out this process or method of peeling fruit, the reference character 1 designates a conveyer-table, embodying lateral liquid chambers or receptacles 2 and an intermediate endless conveyer 3, carried by rollers 4, mounted in the frame of the conveyer-table, the shaft of one whereof is extended and carries a band wheel or pulley 5, by means of which the conveyer may be actuated through the mediation of any suitable driving mechanism. (Not shown.)

The fruit is first cut in halves and pitted by any suitable machine, from which it is deposited upon a hopper or chute 6, that directs the same upon the endless conveyer 3 or directly upon the conveyer 3, to be discharged into a hopper 7 or closed receptacle 8, having a screw-conveyer 9 operating within a perforated cylinder of jacket 10, and said screw-conveyer is constructed to progress the fruit positively and at a predetermined speed through the solution or liquid in the closed receptacle 8 and discharge the partially-treated fruit from said receptacle into another receptacle 11, as hereinafter more fully explained. The screw-conveyer 9 may be actuated by means of a band-wheel 12, driven by any actuating mechanism, and the closed receptacle 8 may be heated by steam or other media through connections 13, as will be readily understood. The liquid within the closed receptacle 8 is made by using about one-half a pound of seventy-six per cent. of caustic soda to each gallon of water used, and the fruit is immersed in this solution or liquid for about twenty seconds, being conveyed through such solution or liquid by means of the screw-conveyer 9 before mentioned, and from the closed receptacle 8 the fruit is dropped into the receptacle 11, preferably containing a solution made by dissolving two pounds of alum in about twenty-five gallons of water, and through the latter solution or liquid the fruit is progressed by a conveyer-belt 14, which discharges the partially-treated fruit into a tank or receptacle 15, containing cold

water and provided with an endless conveyer-belt 16, constructed to discharge the fruit upon a brushing-machine 17, where any particles of the outer covering or peel are removed from the fruit and from which the thoroughly-peeled fruit is discharged upon another conveyer-table 18, to be conveyed to the place of canning or drying the fruit, as the case may be, or the gates 19 of the conveyer-table may be opened and the fruit may be discharged into the lateral liquid receptacles on each side of the endless conveyer 3 thereof, as will be readily understood.

By means of this process or method the fruit is first halved and pitted, then discharged into a solution containing caustic soda, then conveyed into a solution containing alum, after which the fruit is discharged into cold water and is finally brushed, when the fruit is ready for canning or drying purposes.

By the employment of this process the fruit is rapidly handled, all of the covering is removed from the fruit, and a bright product is produced which is more wholesome and palatable than a fruit now on the market.

This invention is in no manner limited to use with the apparatus herein shown and described, as this process or method can be carried out or practiced with other apparatus than that shown and the amount of materials herein mentioned may be slightly varied without departing from the spirit and scope of this invention.

I claim—

1. The herein-described process or method of peeling fruit, which consists in halving and pitting the fruit, then subjecting the fruit to the action of a skin-disintegrating solution, then subjecting the partially-treated fruit to the action of the solution containing alum and finally removing the particles of skin from the treated fruit.

2. The herein-described process or method of peeling fruit which consists in first cutting up and pitting the fruit, then subjecting the same to the action of a heated solution containing caustic soda, then subjecting the par-

tially-treated fruits to the action of a solution containing alum and finally brushing the fruit.

3. The herein-described process or method of peeling fruit which consists in pitting and cutting up the fruit, then subjecting the cut-up fruit to the action of a solution containing caustic soda, then immersing the fruit in a solution of alum then rinsing the fruit in cold water and finally brushing the fruit.

4. The herein-described process or method of peeling fruit which consists in pitting and dividing the fruit, then subjecting the divided fruit to the action of a solution of caustic soda in a heated receptacle, then immersing the fruit in an alum solution, then rinsing the fruit in cold water and finally brushing the fruit.

5. The herein-described process or method of peeling fruit, which consists in dividing and pitting the fruit, then subjecting the fruit to the action of a skin-disintegrating solution, then subjecting the partially-treated fruit to the action of a solution containing alum and finally brushing the treated fruit.

6. The herein-described process or method of peeling fruit which consists in subjecting the fruit to a skin-disintegrating solution, then introducing the fruit into an astringent solution, then rinsing the fruit in cold water and finally removing the particles of skin from the fruit.

7. The herein-described process or method of peeling fruit, which consists in dividing or pitting the fruit, then subjecting the fruit to the action of the skin-disintegrating solution, then introducing the fruit into an astringent solution, and finally rinsing the fruit.

In testimony whereof I have signed my name to this specification, in the presence of two subscribing witnesses, at Fresno, in the county of Fresno and State of California, this 11th day of November, 1902.

CHARLES J. VERNON.

Witnesses;

HENRY WILDER,
E. F. LAMBERT.

[Endorsed]: Dunkley v. Central Cal. Can Com.
784527. Vernon. Mch. 7/05. No. 201. U. S. Dist.
Court, Nor. Dist. of Cal. Pltffs. Exhibit 11. Filed
Apr. 4, 1916. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the
Ninth Circuit. Plaintiff's Exhibit 11. Filed Jan.
5, 1917. F. D. Monekton, Clerk.

**Plaintiff's Exhibit 12—Letter Dated June 12/03,
from Wm. Brunker to Dunkley Company.**

304 West 135th St.,
New York, June 12/03.

Dunkley Company

Kalamazoo, Mich.

Dear sirs

Your favor dated 10th Inst just to hand, and in reply would say, that the statement made therein are perfectly reasonable I realize that it is of the utmost importance to you to be assured that the goods will be made up to the standard in quality & be maintained there. In view of this then I make the following proposition.

That I come to your place and Enter your Employment for a period of Three months for the purpose of making Fruit Jams Equal to the Imported Article such for instance as Crosse & Blackwells, or any of the other Goods which I have claimed in former communications to be able to make. The amount of remuneration for that period to be fixed by you While I would draw from time to time sufficient for my current Expenses a sum not exceeding at the rate of fifteen Dollars per week the balance to be paid me at the Expiration of the Three months.

In the foregoing proposition I have given you every advantage that I can think off short of offering you half a million or so for the privelege of doing something for you, which if you do your part properly, will make more money for you in a few years than all the rest of your business put Together I

am corresponding with no other firm, but am very anxious to do so if I cant make connections with you. So I will Esteem it a favor if you will let me hear from you very soon & definitely.

Yours very Respectfully,

WM. BRUNKER.

[Endorsed]: No. 201. U. S. Dist Court, Nor. Dist. of Cala. Pltffs. Exhibit 12. Filed Apr. 5/16. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals, for the Ninth Circuit. Plaintiff's Exhibit 12. Filed Jan. 5, 1917. F. D. Monckton, Clerk.

Defendants' Exhibit "A."

No. 864,944.

H. A. BEEKHUIS.

PATENTED SEPT. 3, 1907.

APPARATUS FOR REMOVING THE SKIN FROM FRUIT.

APPLICATION FILED MAY 25, 1904.

3 SHEETS—SHEET 1.

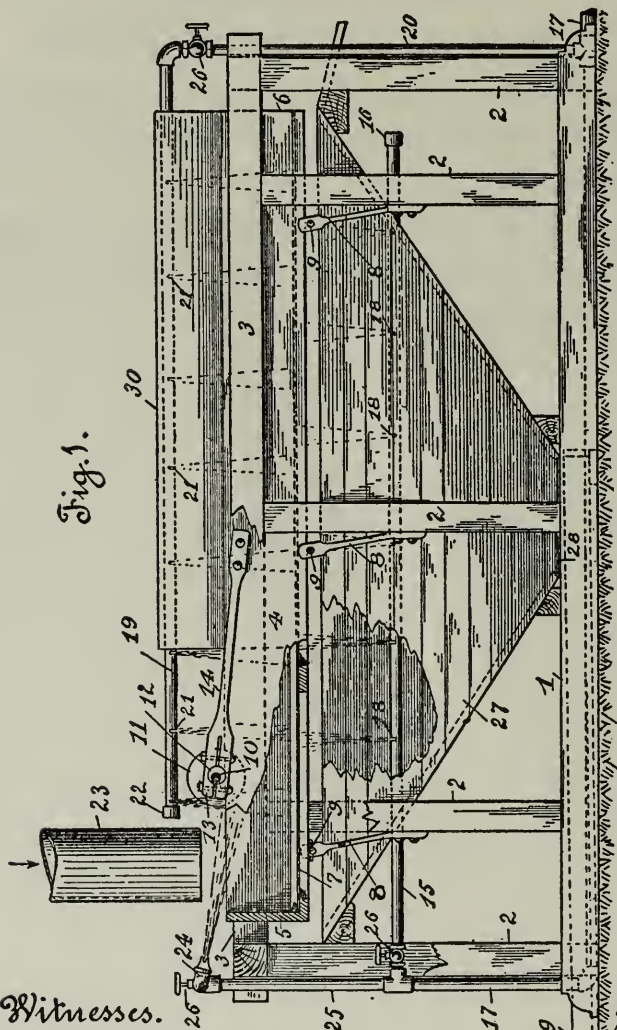


Fig. 1.

Witnesses.
W. H. L. L. L. L. L.
 Walter D. Lane.

Inventor.
 Herman Albrecht Beekhuis
 by Wm. F. Booth
 his attorney

No. 864,944.

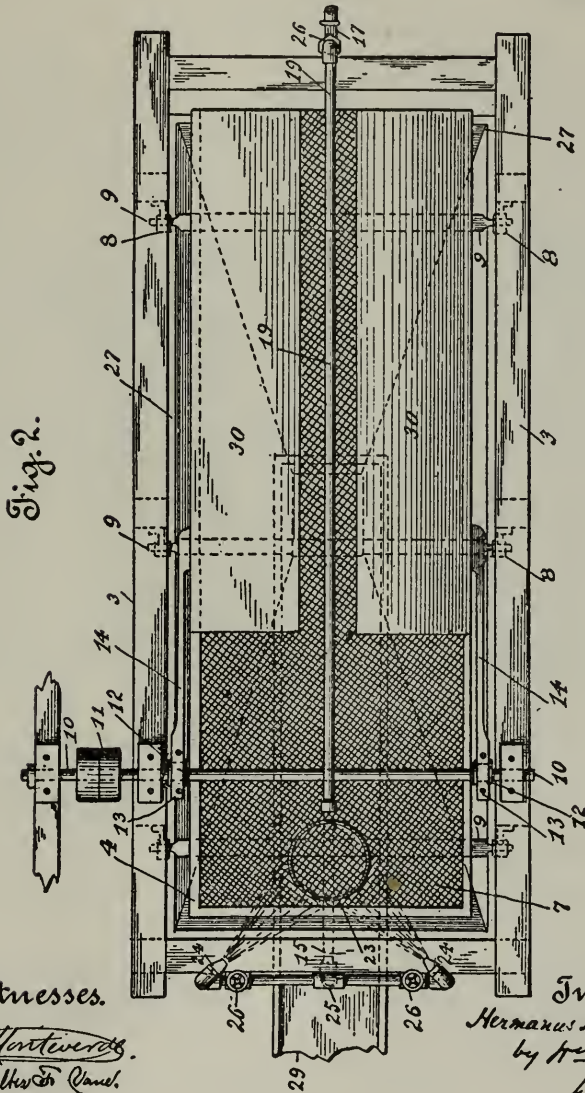
PATENTED SEPT. 3, 1907.

H. A. BEEKHUIS.

APPARATUS FOR REMOVING THE SKIN FROM FRUIT.

APPLICATION FILED MAY 25, 1904.

3 SHEETS—SHEET 2.



Witnesses.

H. A. Beekhuis
H. A. Beekhuis

Inventor.

Hermanus Albert Beekhuis
by *H. F. Root*
his Attorney

No. 864,944.

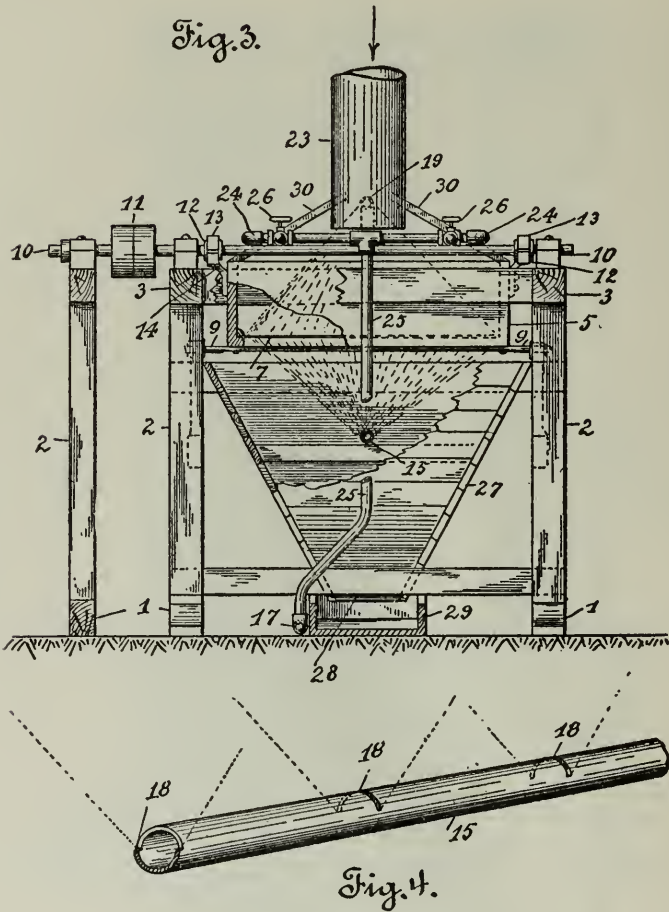
PATENTED SEPT. 3, 1907.

H. A. BEEKHUIS.

APPARATUS FOR REMOVING THE SKIN FROM FRUIT.

APPLICATION FILED MAY 25, 1904.

3 SHEETS-SHEET 3.



Witnesses.

H. A. Beekhuis
Halter Fr. Ques.

Inventor.

Hermanus Albert Beekhuis
by *J. F. Booth*
his Attorney.

UNITED STATES PATENT OFFICE.

HERMANUS ALBERT BEEKHUIS, OF HANFORD, CALIFORNIA, ASSIGNOR TO CALIFORNIA FRUIT CANNERS ASSOCIATION, OF SAN FRANCISCO, CALIFORNIA, A CORPORATION OF CALIFORNIA.

APPARATUS FOR REMOVING THE SKIN FROM FRUIT.

No. 864,944.

Specification of Letters Patent.

Patented Sept. 3, 1907.

Application filed May 25, 1904. Serial No. 209,648.

To all whom it may concern:

Be it known that I, HERMANUS ALBERT BEEKHUIS, a citizen of the United States, residing at Hanford, Kings county, State of California, have invented certain new and useful Improvements in Apparatus for Removing the Skin from Fruit; and I do hereby declare the following to be a full, clear, and exact description of the same.

My invention relates to the class of apparatus for preparing fruit for canning, and especially to devices for removing the skin from the fruit.

Among various machines and processes for removing skin from fruit, there is at present in use an apparatus and process which involve the initial subjection of the fruit to a solution such, for example, as a solution of caustic soda, to disintegrate the skin, and the subsequent brushing of the fruit, whereby the disintegrated skin is removed. In the practice of this general type of process, I have found it better to avoid the use of brushes, both because of their failure to reach every portion of the fruit, particularly the depressed portion or "cup" of the fruit, and because of the tendency which the brushing has to injure or bruise the fruit.

My invention has, therefore, for its object the removal of the previously disintegrated skin of the fruit by a means of a simple and efficient character, capable of reaching every portion of the fruit, and particularly the concavity or depression known as the "cup" of the fruit, which as a rule the brushes fail to reach, said means having no tendency to injure the fruit or bruise it, but, on the contrary, to keep it cool and under the cleansing action of water, avoiding any interval of drying, which would tend to allow the skin-disintegrating solution to have a deleterious effect.

To these ends my invention consists in means for directing jets or sprays of water upon the fruit, the skin of which has been previously disintegrated.

It also consists in the combination of means for shaking said fruit, with means for directing jets or sprays of water upon the fruit while being shaken.

It also consists in the novel combinations and arrangement of devices which I shall hereinafter fully describe.

Referring to the accompanying drawings—Figure 1 is a side view, partly broken, of my apparatus. Fig. 2 is a plan of the same. Fig. 3 is a feed end view, partly broken. Fig. 4 is a detail of the spraying pipe.

The frame of the apparatus or machine, comprises sills 1, suitable uprights 2 and horizontal top pieces 3, supported by the uprights.

4 is a box closed across its feed end 5 and open at its discharge end 6.

The bottom 7 of the box is a screen, as shown. This box is supported within and free of the top of the frame

and is carried by spring arms 8 of any suitable character, preferably hickory strips, which said arms are secured at their upper ends to cross rods 9 fastened under the box, and at their lower ends are firmly secured to the uprights 2 of the main frame.

A shaking motion is imparted to the screen box 4, by any suitable means. I have here shown, for the sake of illustration, a power shaft 10 mounted across the head of the main frame and having the usual fast and loose pulleys 11. Upon this power shaft are eccentrics 12 which are fitted with boxes 13 carried by connecting rods 14, the other ends of said rods being connected to the sides of the screen box. By the rotation of the power shaft 10 the screen box 4 is moved back and forth in the direction of its length, and by reason of the spring arms is given a rather quick, jerky and, comparatively, violent shake which will have the effect of not only agitating, shaking or dancing the contents of the box, but of advancing said contents to the open discharge end 6.

Below the box 4, and suitably supported by the main frame is a pipe 15 which is closed by a cap 16 at one end, and has its other end connected in any suitable manner, as by a pipe 17 with a source of water supply, unnecessary to show. This pipe extends in the longitudinal median plane of the machine, and is provided at intervals throughout its length with spraying apertures, of any suitable character. I have found the best form to be that of crosswise slits 18, as shown in Fig. 4. These slits are in the top of the pipe 15 and they direct a fan shaped jet or spray upwardly through the screen bottom of the box 4. A correspondingly disposed pipe 19 lies above the screen box 4, said pipe having a suitable connection, such as 20, with the source of water supply, and being provided on its under side with the crosswise spray slits 21 adapted to direct fan-like jets or sprays down into the screen box from above. This upper pipe 19 is closed at one end by a cap 22.

23 is the feed spout, through which the fruit is delivered into the closed or feed end of the screen box 4.

24 are water jet nozzles, connected by a pipe 25 with the water system, and so located at the head end of the apparatus, as to converge their jets of water, in a fan shape, upon the fruit, as it falls from the feed spout 23 into the box 4. Suitable cocks 26 are placed in the water pipes, by which the water jets or sprays may be used or discontinued, or otherwise controlled, at will.

27 is a discharge hopper supported by the main frame below the box screen 4. The walls of this hopper converge downwardly to a discharge aperture 28, below which is a discharge box 29, which may be supposed to lead away to any suitable destination. From the sides of the screen box 4 converge, upwardly, pieces

30, which form a roof or cover to prevent undue splashing, and to better direct the upper jets down into the box. Any suitable receptacle for the fruit may be placed at the foot of the machine to receive the contents from the screen box.

The operation of the apparatus is as follows: After the fruit has been subjected to the disintegrating solution, whereby its skin is broken and cut, to render it easy to remove, and after any other steps, which may be customary in the previous manipulation of the fruit, have been taken, the fruit having been led to the feed spout 23 falls therefrom upon the feed end of the screen box 4. In the type of processes to which I have reference, it is of great importance that the preliminary treatment with the lye be followed immediately by steps tending to avoid any excess of the effects of said treatment. The object, therefore, of the water jet nozzles 24 is to, at once, subject the fruit to the cooling and washing effect of cold water, so that the scalding or heating effect of the hot lye solution may be stopped and the lye itself in great part, removed. As the fruit falls from the feed spout 23, it is met by the water jets from the nozzles 24 and is cooled and washed. The fruit, now falling upon the screen bottom of the box 4 is agitated or shaken by the box, which has the shaking movement imparted to it heretofore described. This agitation, shaking or dancing to which the fruit is subjected has the triple effect of, first, advancing the fruit to its discharge from the lower end of the box, second, of occasioning sufficient friction, both between the individual specimens themselves and between them and the screen bottom and sides of the box to assist in removing the skin, and third, of presenting every portion of the fruit, at some time throughout the course of its travel, to the action of the water jets or sprays from the pipes 15 and 19. As the fruit travels through the box under the constant agitation or shaking described, the water jets or sprays from below and above serve to fully remove the particles of skin, which particles together with the water pass down through the screen bottom, and are directed by the hopper 27 through the discharge aperture 28 into the discharge box 29, by which they are led to the sewer or other place of disposition. During the course of the fruit through the box, it is thus subjected to the water, not only for the purpose of removing the skin, but of washing it and thoroughly cooling, rinsing and preparing it for canning. The disposition of the fan shape jets, crosswise of the box, and at intervals serves to assist the rolling and turning of the fruit, thereby causing it to present every part to the jets. At the discharge end or foot of the box, the now thoroughly washed and peeled fruit is delivered to any suitable receptacle, unnecessary herein to show or describe.

Having thus described my invention, what I claim as new and desire to secure by Letters Patent, is—

1. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit, including a support for the fruit, means for operating the support to shake the fruit, and means for directing peeling water jets upon said fruit while the same is being shaken.

2. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit including a flat substantially horizontal support for the fruit, means for operating the support to shake the

fruit, and means for directing peeling water jets upon said fruit while the same is being shaken.

3. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit including a substantially horizontal support for the fruit, means for operating the support to shake the fruit, and means for directing peeling water jets upon said fruit from both above and below said perforated support while the fruit is being shaken.

4. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit including a substantially horizontal support for the fruit, means for operating the support to cause the fruit to advance over the surface thereof, and means for directing peeling water jets upon said fruit as it advances.

5. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit including a substantially horizontal perforated support for the fruit, means for operating the support to cause the fruit to advance over the surface thereof, and means for directing peeling water jets upon said fruit from both above and below the perforated support as the fruit advances.

6. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit including a substantially horizontal support for the fruit, instrumentalities for operating the support to shake the fruit and to cause the same to advance over the surface of the support, and means for directing peeling water jets upon said fruit while being shaken and advanced.

7. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit including a substantially horizontal perforated support for the fruit, instrumentalities for operating the support to shake the fruit and to cause the same to advance over the surface of the support, and means for directing peeling water jets upon said fruit from both above and below the perforated support while the fruit is being shaken and advanced.

8. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit including a perforated support for the fruit, means for operating the support to shake the fruit, and means for directing peeling water jets through the perforated support and upon said fruit while the same is being shaken.

9. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit including a substantially horizontal perforated support for the fruit, means for operating the support to cause the fruit to advance over the surface thereof, and means for directing peeling water jets upon said fruit from below and through the perforated support while the fruit is being shaken.

10. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit including a substantially horizontal perforated support for the fruit, instrumentalities for operating the support to shake the fruit and to cause the same to advance over the surface of the support, and means for directing peeling water jets upon said fruit from below and through the perforated support while the fruit is being shaken and advanced.

11. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit including a support for the fruit, means for operating the support to shake the fruit, and means for directing peeling water jets upon said fruit while the fruit is being shaken, in combination with means for feeding the fruit to the support, and means for directing a water jet upon the fruit while falling from the feeding means to the support.

12. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit including a support for the fruit, and means for directing peeling water jets upon said fruit while on said support, in combination with means for feeding the fruit to the support, and means for directing a water jet upon the fruit while falling from the feeder to the support.

13. In an apparatus for removing previously disintegrated skin from fruit, the combination of a device having

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means for supporting, shaking and advancing the fruit, and a water pipe extending in the direction of the travel of the fruit and having cross-wise slits at intervals adapted to direct peeling water jets upon the fruit in planes transversely of its travel.

box to which the fruit is fed, and means for directing peeling jets of water upon said fruit while in the box.

26. In an apparatus for removing the previously disintegrated skin from fruit, the combination of a box, means for feeding said fruit to the box at one end, means for shaking the box to shake the fruit therein and cause its advance to the other end, and means for directing peeling jets of water upon said fruit at intervals as it travels through the box.

27. In an apparatus for removing the previously disintegrated skin from fruit, the combination of a shaking box having a screen bottom upon which the fruit is supported and shaken, and means below said box for directing peeling water jets through the screen bottom upon the fruit.

28. In an apparatus for removing the previously disintegrated skin from fruit, the combination of a box having a screen bottom, means for feeding said fruit to the box at one end, means for shaking the box to shake the fruit therein and cause its advance to the other end, and means below said box for directing peeling jets of water through the screen bottom upon said fruit at intervals as it travels through the box.

29. In an apparatus for removing the previously disintegrated skin from fruit, the combination of a shaking box having a screen bottom upon which the fruit is supported, shaken and advanced, means below said box for directing peeling water jets through the screen bottom upon the fruit as it advances through the box, and means above said box for directing jets of water from above upon the fruit in the box.

30. In an apparatus for removing the previously disintegrated skin from fruit, the combination of a support for the fruit, means for feeding the fruit to said support, means for directing a peeling jet of water upon the fruit while falling from the feeder to the support, and means for directing a peeling jet of water upon the fruit while on said support.

31. In an apparatus for removing the previously disintegrated skin from fruit, the combination of a shaking box to support and advance the fruit, an overlying spout to feed the fruit to said box, and a nozzle disposed to direct a peeling jet of water upon the fruit while falling from the spout to the box.

32. In an apparatus for removing the previously disintegrated skin from fruit, the combination of a shaking box having a screen bottom to support and advance the fruit, a spout adapted to feed the fruit to the box, a nozzle disposed to direct a water jet upon the fruit while falling from the spout to the box, and means for directing peeling water jets at intervals upon the fruit as it passes through the box.

33. In an apparatus for removing the previously disintegrated skin from fruit, the combination of a shaking box for supporting, shaking and advancing the fruit, and a water pipe extending in the direction of the travel of the fruit of said box and having cross-wise slits at intervals adapted to direct peeling water jets upon the fruit in planes transversely of its travel.

In witness whereof I have hereunto set my hand.

HERMANUS ALBERT BECKHUIS

Witnesses:

A. RUBENSTEIN,
A. C. THORNTON.

14. In an apparatus of the character described, means for removing previously disintegrated skin from fruit including a support for the fruit, means for operating the support to cause the fruit to shake thereon, and means for directing water in fan-like peeling jets upon said fruit.

15. In an apparatus of the character described, means for removing previously disintegrated skin from fruit including a support for the fruit, means for operating the support to cause the fruit to advance over the surface thereof, and means for directing water in fan-like peeling jets upon the fruit in planes running transversely to the direction of travel of the fruit over its support.

16. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit, including a support for the fruit, means for effecting a change of position of the fruit on said support, and means for directing peeling water jets upon said fruit.

17. In an apparatus for treating fruit such as peaches means for removing previously disintegrated skin from the fruit including a support for the fruit having a screen bottom, means for agitating said support, and means for directing peeling water jets to the fruit upon the support.

18. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing a peeling water jet upon said fruit as it advances.

19. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing peeling jets of water at intervals upon said fruit as it advances.

20. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing peeling jets of water at intervals upon said fruit from above and below as it advances.

21. In an apparatus for removing the previously disintegrated skin from fruit, the combination of means for shaking said fruit, with means for directing a peeling water jet upon the fruit while being shaken.

22. In an apparatus for removing the previously disintegrated skin from fruit, the combination of means for shaking said fruit, with means for directing peeling water jets upon the fruit from above and below while being shaken.

23. In an apparatus for removing the previously disintegrated skin from fruit, the combination of means for shaking and advancing the fruit, with means for directing peeling jets of water at intervals upon said fruit while advancing and being shaken.

24. In an apparatus for removing the previously disintegrated skin from fruit, the combination of means for shaking and advancing the fruit, with means for directing peeling jets of water at intervals upon said fruit from above and below while advancing and being shaken.

25. In an apparatus for removing the previously disintegrated skin from fruit, the combination of a shaking

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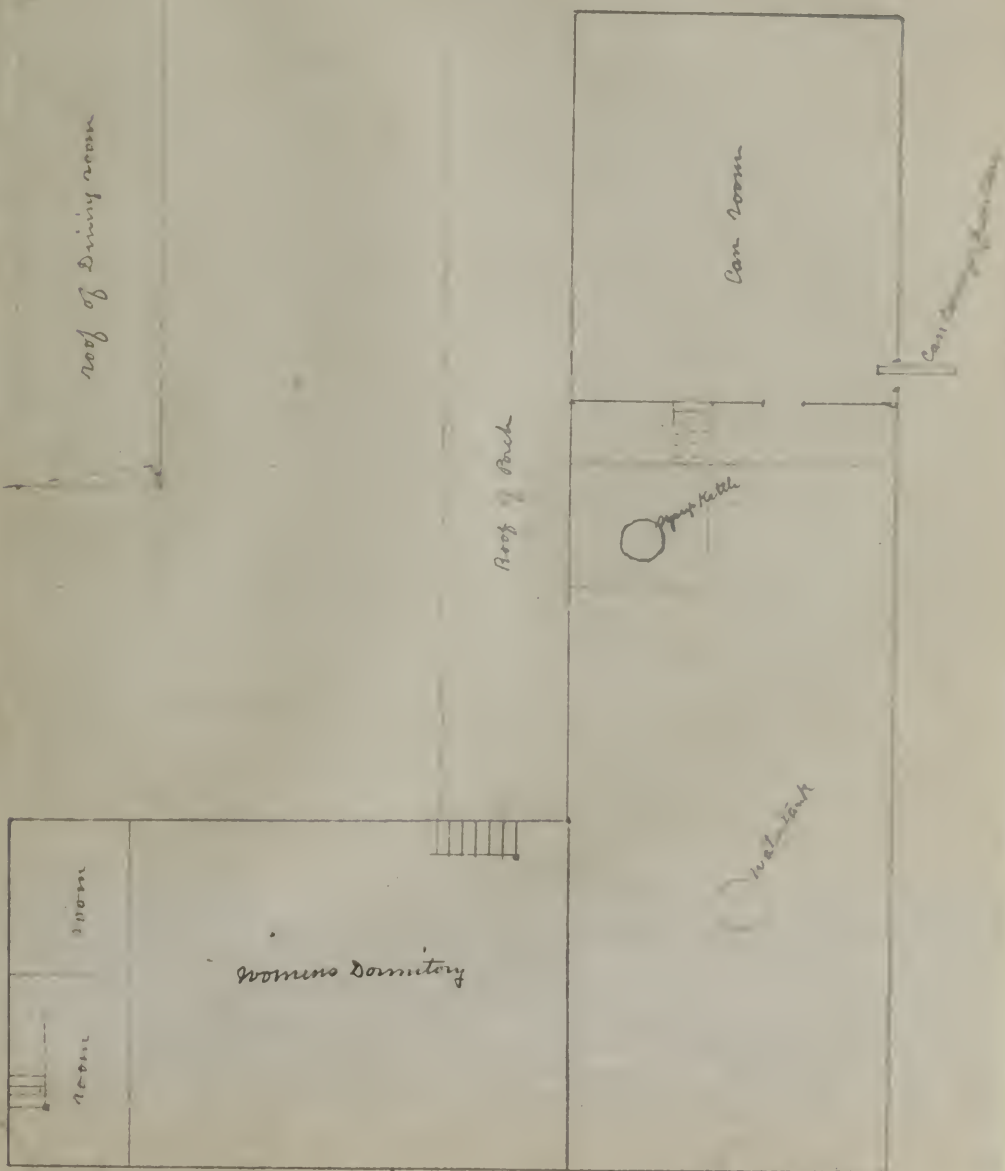
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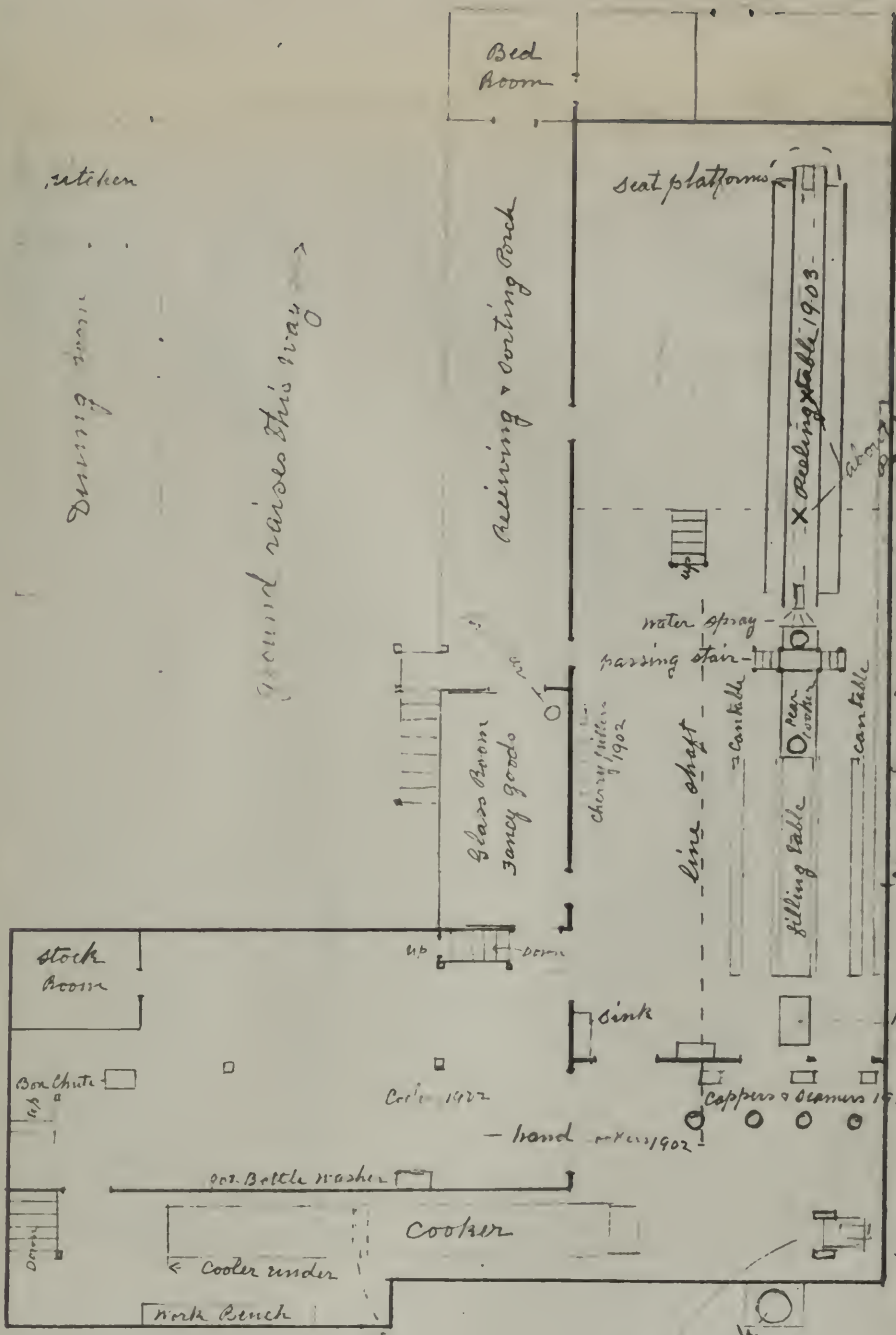
[Endorsed]: No. 201. U. S. Dist. Court, Nor. Dist. of Cal. Dfts. Exhibit "A." Filed Meh. 28, 1916. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendant's Exhibit "A." Filed Jan. 5, 1917. F. D. Monckton, Clerk.



(3rd Floor)

19



(2nd Floor)

Hand drawn
15 June 1904

Think engine here
Smoke Stack

South Haven

Railroad siding

Removing from car room

above kitchen corner
table placed in 1904

Kalamayoo

kitchen

During 1903

ground raised this way

Bed Room

Receiving & Sorting Bench

Glass Bottle Jancy gordo

Cherry Pickers 1902

Line shaft

water spray
passing stair

filling table

can table

Sink

handy

Cooker

Coppers & Steamers 1903-4

hand 1902

200 Bottle Washer

Cooler under

Work Bench

stock room

Box Chute

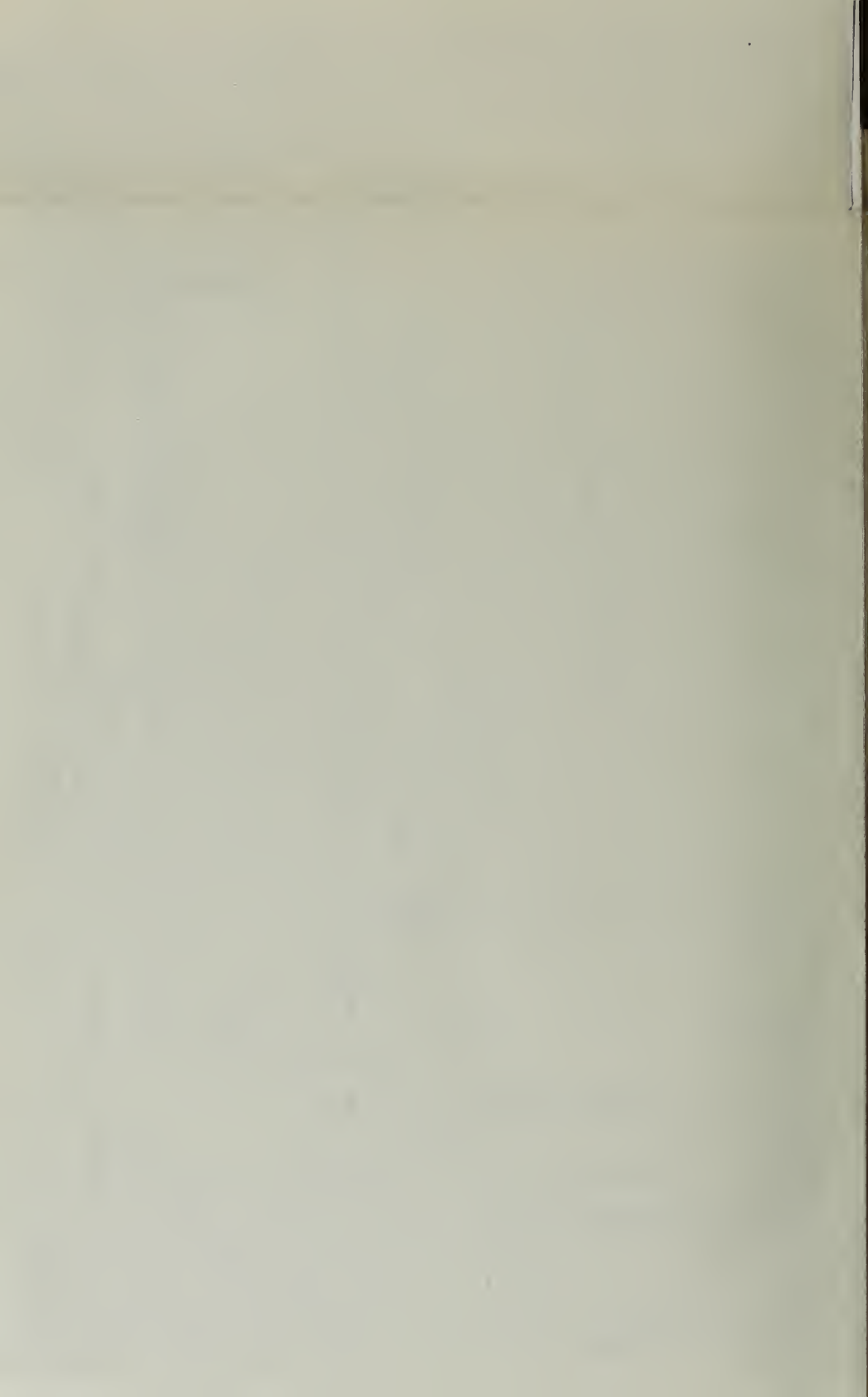
Door

Door

Cooler 1902

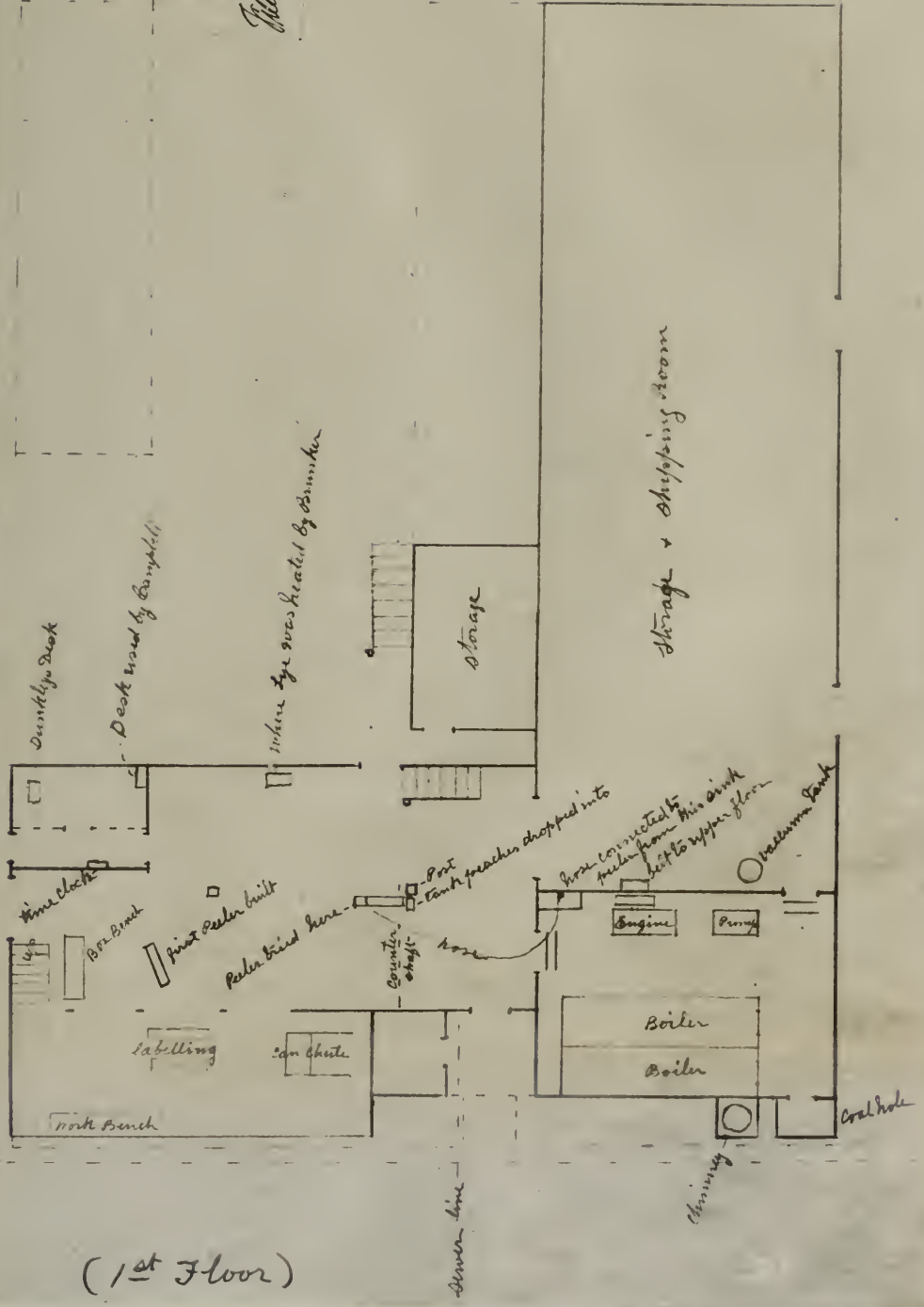
up

down



Case No. 2915
U. S. Circuit Court of Appeals
For the Ninth Circuit
Defendants Exhibit 111
Filed JUL 5 1917
F. U. MUNKTON, Clerk

Exhibit
Exhibits #10
App. #10
Exhibits



(1st Floor)

**Defendants' Exhibit "B"—File Wrapper, Contents
and Drawings In Re Letters Patent of Samuel
J. Dunkley.**

2—390.

**UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,**

United States Patent Office.

To all to whom these presents shall come, Greeting:

THIS IS TO CERTIFY that the annexed is a true copy from the Records of this Office of the File Wrapper, Contents and Drawings in the matter of the

Letters Patent of

Samuel J. Dunkley, Assignor, by mesne assignments,
to

Dunkley Company,

Number 1,104,175,

Granted July 21, 1914.

for

Improvement in Machines for Peeling Peaches and
Other Fruit.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of the Patent Office to be affixed at the City of Washington, this 24th day of September, in the year of our Lord one thousand nine hundred and fifteen and of the Independence of the United States of America the one hundred and fortieth.

[Seal]

J. T. NEWTON,

Acting Commissioner of Patents.

[Ten Cent Internal Revenue Stamp. Canceled
September 24, 1915. U. S. Patent Office.]

2—427.

NUMBER (SERIES OF 1900).

Div'n XXV.

234,715

1904

DIV. 25

PATENT No. 1104175.

(EX'R'S BOOK). 3-97

Name—Samuel J. Dunkley.

Assor to ~~Dunkley Company, of Chicago, Ill., a corp.~~
~~of Ill., Assor by mesne assigts to Fred E. Llew-~~
~~ellyn, of Kalamazoo, Mich.) Dunkley Company,~~
 of Kalamazoo, Mich. a corp of Mich.

of Kalamazoo.

County of

State of Michigan.

Invention—Machines for Peeling Peaches and other
 Fruit.

Division of App., No.
 PARTS OF APPLICATION FILED.

ORIGINAL.

RENEWED.

Petition	Nov. 29, 1904	, 190
Affidavit	" " 190"	, 190
Specification	" " 190"	, 190
Drawing 4 shts.	" " 1904	, 190
Model or Specimen ,	190	, 190
First Fee Cash \$15, Nov. 29, 1904		, 190
" " Cert.	, 190	, 190
Appl. filed complete Nov. 29, 1904		, 190

Examined—Jun 11/14 J. H. Light-

foot

190

, 190

Countersigned—W. W. Mortimer

, 190

For Commissioner.	For Commissioner.
Notice of Allowance—June 16, 1914	, 190
Final Fee Cash—\$20 June 22, 1914	, 190
“ “ Cert.	, 190
Patented— July 21	, 1914
Associate Attorney H. N. Low,	

507 E St. City

CHAPPELL & EARL,

Kalamazoo, Mich.

Attorney ~~MUNDAY, EVART & ADCOCK,~~

Marquette Bldg.

Chicago, Ill.

Name—Serial Number.

Patent No.—Date of Patent.

APPLICATION.

\$15, RECEIVED.

S. NOV. 29, 1904. Ck.

CHIEF CLERK U. S. PATENT OFFICE

Serial No. 234,715, Paper No. 1/2

PETITION.

TO THE COMMISSIONER OF PATENTS:

YOUR PETITIONER, Samuel J. Dunkley, a citizen of the United States, residing at Kalamazoo, in the County of Kalamazoo, and State of Michigan and whose post office address is at said Kalamazoo, prays that Letters Patent be granted to him for the Improvement in Machines for Peeling Peaches and Other Fruit set forth in the annexed specification; and he hereby appoints John W. Munday, Edward S. Evarts and Edmund Adcock, composing the firm of MUNDAY, EVARTS & ADCOCK, (Register No. 1248) of No. 906, Marquette Building, Chicago,

Illinois, his attorneys with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

SAMUEL J. DUNKLEY.

SPECIFICATION.

TO ALL WHOM IT MAY CONCERN:

Be it known, that I, Samuel J. Dunkley, a citizen of the United States, residing in Kalamazoo, in the County of Kalamazoo, and State of Michigan have invented a new and useful Improvement in Machines for Peeling Peaches and Other Fruit of which the following is a specification:

My invention relates to machines for peeling peaches,
or vegetables
Per For other fruit.

The object of my invention is to provide a machine or apparatus of a simple, efficient and durable construction, by means of which peaches, or other fruit, may be automatically peeled very rapidly and cheaply, and without injury to or mutilation of the fruit, and by which also the skin or peel may be removed without waste of the pulp.

My invention consists in the means I employ to practically accomplish this object or result; that is to say it consists, in combination with a peel or skin softening or shriveling means or device, preferably consisting of a tank or chamber containing a heated fluid, and a heater for the same, a conveyor for automatically conveying the peaches through the skin softening and shriveling device and subjecting the peaches to its action for uniform and measured time, a chute or device for delivering the peaches in single file line to a brushing and washing mechanism, and a peach brushing and washing mechanism, preferably comprising a group of three long perforated pipes for spraying water upon the moving line of peaches, and subjecting them to a water brushing action, an endless belt brush arranged between the two lowermost perforated pipes and operating to brush the peaches as they are rotated and to convey them along, and a pair of oppositely rotating cylindrical brushes operating both to rotate and brush the peaches, and having hollow perforated pipe cores for spraying the rotary brushes with water, and a rotary cylindrical rubber sponge brushes, also having hollow perforated pipe cores for supplying the same with water; whereby the peaches may be very rapidly

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and cheaply and perfectly peeled, without waste or injury. My invention also consists in the novel construction of parts and devices and in the novel combinations of parts and devices herein shown or described.

In the accompanying drawing, forming a part of this specification, Figs. 1 and 1^a, taken together, are a ^{plan} ~~side-elevation~~ of a peach peeling machine embodying my invention; Fig. 2 and 2^a, taken together, are a ^{side} ~~plan~~ view; Fig. 3 is a detail section on line 3-3 of Fig. 3^a; Fig. 4 is a detail plan view showing one set of brushing and washing devices; Fig. 5 is a cross section on line 5-5 of Fig. 3; Fig. 6 is a cross section on line 6-6 of Fig. 3; Fig. 7 is a detail longitudinal section through the tank, the conveyor being omitted, on line 7-7 of Fig. 8; Fig. 8 is a cross section ² ~~on line 8-8 of Fig. 8~~; Fig. 9 is a detail elevation of the chute or hopper shaking mechanism.

In the drawing A represents the frame of the machine, B is a tank or chamber containing a heated fluid b for softening, ^{disintegrating,} ~~and~~ loosening or shriveling the skin of the peaches as they are conveyed through the tank. The fluid b in the tank or chamber B is preferably a liquid, and composed of water with an ^{material} ~~alkaline salt~~ in solution. C is a heater for heating the skin ^{or disintegrating} softening, ~~and~~ loosening ^{medium} b, the heater preferably consisting of steam pipes or coils in the tank, and connected with a steam supply pipe c. The skin softening, ^{or disintegrating} ~~and~~ loosening ^{liquid} is contained in a reservoir C¹, having a heater C², and is delivered to the tank B, as required, through a supply pipe C³. D is a conveyor for conveying the peaches into, through and out of ^{or disintegrating} the skin softening, ~~and~~ loosening ^{liquid} b in the tank B. This conveyor or carrier D is, preferably, an endless conveyor traveling on pulleys D¹ D¹, one at each end of the tank B, and provided with transverse webs d and longitudinal webs d, dividing

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Apr. 13/05

ME&A

the same into a series of buckets or receptacles, each ~~xxxxxxxxxx~~ adapted to hold several peaches, say six or eight, in a transverse row, and thus cause the conveyor D to automatically arrange the peaches in a single layer therein, and cause them to be uniformly subjected to the action of the skin ^{disintegrating} ~~softening~~ medium b. The tank B is provided with guides or tracks $B^1 B^2$, for guiding and supporting the endless flexible conveyor D. The upper guide B^1 has a downward incline B^3 at the entrance end of the tank, and an upward incline B^4 at the exit from the tank. E is an open screen, preferably of wire netting, secured to the tank A just above the path of the upper run of the endless peach conveyor D, to hold the peaches in the open buckets or pockets of the conveyor and prevent the same from floating to the top of the skin ^{or disintegrating} ~~softening~~ and loosening liquid. E^1 is a feed chute or hopper having partitions E^2 into which the peaches are emptied in bulk, and by which they are fed or delivered to the endless conveyor D. As the endless conveyor D passes over or around the pulley or wheel D^1 at the exit end of the tank, the peaches are automatically delivered into the inclined and tapering chutes F, one for each longitudinal partition of the conveyor, and thus caused to feed or be delivered in single file between the water pipes and brushes of the washing and brushing mechanism by which the softened, and ~~loosened~~ ^{disintegrated} or shriveled skins of peaches are removed, and the peaches thoroughly washed and freed from all taint or trace of ~~the skin~~ ^{disintegrating} ~~softening~~ or loosening liquid. This washing or brushing mechanism comprises a group of, preferably, three water pipes G, having a series of perforations g arranged to strike the peaches ~~tangentially~~ as they are conveyed along between the pipes, and thus ~~to impart~~ to impart to the peaches a rotary movement. The washing and brushing mechanism further, prefera-

ably, comprises an endless belt brush H, traveling on pulleys H¹ H² between the two lowermost water pipes G G, and by which the peaches are conveyed along in single file and simultaneously brushed as they are rotated. This washing and brushing mechanism further, preferably, comprises a pair of oppositely rotating cylindrical brushes K K¹, each having a hollow perforated water pipe K² for flooding the brushes with water as they rotate.

The bristles or brushing material k of the brushes K K¹, may be of any suitable material, but preferably of vegetable fibre. The bristles or brushing material on the cylindrical brush K¹ are, preferably spirally ^{dis-}~~posed~~, and the two brushes K K¹ are rotated at different speeds to aid in turning or rotating the ~~peaches~~

peaches as they are conveyed along between the brushes. For a portion of their length the rotary brushes K K¹ are preferably provided with soft rubber sponge brushing material k², the back or base web k³ of which is provided with perforations k⁴ to flood the rubber sponge material with water from the pipe K².

If desired, this rubber sponge brushing material k² may be used for the entire length of ^{the} rotary brushes K K¹, although I prefer to employ a bristle-like brushing material for a portion of the length of these rotary brushes. ^{The} ~~H¹~~ perforated water pipes G G G, preferably extend beyond the rotary brushes K K¹, so that the water spray may entirely free the surface of ^{and the like} the peaches ^{from} any particles of skin or peel.

The required movements may be imparted to the several moving parts of my machine by any suitable means or mechanism.

The endless conveyor ~~B~~ is preferably driven continuously and at a slow speed, timed to subject the peaches to the action of the hot liquid b just for the time required to ^{disintegrate} ~~soften~~ and loos-

en the peel of the peach without softening or cooking the pulp beneath the skin to an appreciable depth or extent, by means of a belt M and driving pulley M¹ on the driving shaft M² and gears M³ M⁴, the gear M⁴ being on the shaft D³ of the conveyor ~~xx~~ sprocket wheels. The peach feed chute or hopper E is given a horizontal shaking or vibratory movement from the This shaking means is not needed for round fruit or vegetables, shaft N through the crank N¹, pitman N² and lever N³. [^] The several endless belt brushes ⁶ are driven continuously from the driving shaft R through the pulley R¹, the pulleys G¹ of the belt brushes at one end being on the shaft R.

per H

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Continuous rotary motion is communicated to the rotary brushes ^{K'K'} from the driving shaft R through a twisted belt R² ^a and pulley R³ on the shaft R⁴, having beveled gears R⁵ meshing with the bevel gears R⁶ on the hollow water pipe shafts ² ^A of the rotary brushes. Water under pressure is supplied to the hollow shafts of the several rotary brushes from the supply pipe T, having branches t leading to each of the rotary brushes and connected to its hollow core or shaft by stuffing boxes t¹. ^{branches} The water supply pipe T' also has ~~brushes~~ t³ leading to the perforated water pipes ⁴.

ME&AME&A

Insert
2
H

1 claim:

Apr. 13/05 In a peach peeling machine, the combination with a tank
" " " for
" " " or chamber, containing a fluid for softening and loosening the
skins of the peaches, of means for subjecting the peaches to
the action of said fluid for a uniform period of time, and a
" " " at the exit end of the tank
washing and brushing mechanism for removing the softened and
loosened skins of the peaches, substantially as specified.

2

Sub B In a peach peeling machine, the combination with a skin
Dec 22/05. softening and loosening device, of washing and brushing de-
vice, substantially as specified.

Insert

A

Apr. 13/05

Insert

A'

Apr. 13/05

3
In a peach peeling machine, the combination with means
for softening and loosening the skins of the peaches, with
means for washing and brushing the peaches and thus removing
the skins, and means for automatically delivering the peaches
from said skin softening and loosening means to said washing
and brushing means, substantially as specified.

4

Apr. 13/05 In a peach peeling machine, the combination with means
for softening and loosening the skins of the peaches, with
means for washing and brushing the peaches and thus removing
the skins, means for automatically delivering the peaches from
in a row or single file
said skin softening and loosening means to said washing and
brushing means, and a hopper or chute for automatically deliv-
ering the peaches to said skin softening and loosening means,
substantially as specified.

5

In a peach peeling machine, the combination with a tank
for containing a peach skin softening and loosening liquid, of

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passing through the tank
a heater therefor a conveyor ^{passing through the tank} for conveying the peaches into,
through and out of said liquid, and a group of perforated water
pipes for spraying the peaches with water as the peaches pass
lengthwise of and between said pipes, substantially as speci-
fied.

Insert

Apr. 13/05

6

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In a peach peeling machine, the combination with a tank
for containing a peach skin softening and loosening liquid, of
a heater therefor, a conveyor ^{passing through the tank} for conveying the peaches into,
through and out of said liquid, a group of perforated water
pipes at the peach discharging end of said conveyor
for spraying the peaches with water as the peaches pass
lengthwise of and between said pipes, and an endless conveyor
~~brush~~
arranged longitudinally of and between two of said pipes, sub-
stantially as specified.

7

In a peach peeling machine, the combination with a tank
for containing a peach skin softening and loosening liquid, of
a heater therefor, a conveyor ^{passing through the tank} for conveying the peaches into,
through and out of said liquid, a group of perforated water
pipes at the peach discharging end of said conveyor
for spraying the peaches with water as the peaches pass
lengthwise of and between said pipes, and an endless conveyor
brush arranged longitudinally of and between two of said pipes
substantially as specified.

8

In a peach peeling machine, the combination with a tank
for containing a peach skin softening and loosening liquid, of
a heater therefor, a conveyor ^{passing through the tank} ~~brush~~ for conveying the peaches into,
through and out of said liquid, a group of perforated water
pipes at the peach discharging end of said conveyor
for spraying the peaches with water as the peaches pass
lengthwise of and between said pipes, ~~substantially as specified~~
an endless conveyor brush arranged longitudinally of and be-

Apr. 13/05

parallel and adjacent to said conveyor brush between two of said pipes, and rotary cylindrical brushes, for brushing and turning the peaches as they pass between said water pipes, substantially as specified.

9

Apr. 13/05

In a peach peeling machine, the combination with a tank for containing a peach skin softening and loosening liquid, of passing through the tank a heater therefor, a conveyor for conveying the peaches into, through and out of said liquid, a group of perforated water pipes, for spraying the peaches with water as the peaches pass lengthwise of and between said pipes, an endless conveyor brush arranged longitudinally of and between said pipes, parallel and adjacent to said conveyor brush, rotary cylindrical brushes, for brushing and turning the peaches as they pass between said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, substantially as specified.

10

Apr. 13/05

In a peach peeling machine, the combination with a tank for containing a peach skin softening and loosening liquid, of passing through the tank a heater therefor, a conveyor for conveying the peaches into, through and out of said liquid, a group of perforated water pipes, for spraying the peaches with water as the peaches pass lengthwise of and between said pipes, an endless brush arranged longitudinally of and between said pipes, and rotary cylindrical brushes, parallel and adjacent to said conveyor brush, for brushing and turning the peaches as they pass between said water pipes, the brushing material of one of said rotary brushes being spirally disposed thereon to aid in turning the peaches, substantially as specified.

11

In a peach peeling machine, the combination with a tank for containing a peach skin softening and loosening liquid, of

Apr. 13/05 a heater therefor, a conveyor^a for conveying the peaches into, passing through the tank through and out of said liquid, a group of perforated water at the peach discharging end of said conveyor pipes for spraying the peaches with water as the peaches pass means for delivering the peaches from said tank in a row or single lengthwise of and between said pipes, and endless conveyor brush arranged longitudinally of and between two of said parallel and adjacent to said conveyor brush pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, said rotary brushes rotating in opposite directions, substantially as specified.

12

In a peach peeling machine, the combination with a tank for containing a peach skin softening and loosening liquid, of Apr. 13/05 a heater therefor, a conveyor^a for conveying the peaches into, passing through the tank through and out of said liquid, a group of perforated water at the peach discharging end of said conveyor pipes for spraying the peaches with water as the peaches pass means for delivering the peaches from said tank in a row or lengthwise between said pipes, an endless conveyor brush arranged longitudinally of and between two of said pipes, and rotary parallel and adjacent to said conveyor brush cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, said rotary brushes rotating in opposite directions and at different speeds, substantially as specified.

13

In a peach peeling machine, the combination with a tank for containing ~~the~~ a peach skin softening and loosening liquid, of a heater therefor, a conveyor^a for conveying the peaches into, through and out of said liquid, a group of perforated at the peach discharging end of said conveyor water pipes for spraying the peaches with water as the peaches pass lengthwise of and between said pipes, and a chute or hopper for automatically delivering the peaches to the tank conveyor, substantially as specified.

14

Apr. 13/05

In a peach peeling machine, the combination with a tank for containing a peach skin softening and loosening liquid, of passing through the tank a heater therefor, a conveyor for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the peach discharging end of said conveyor for spraying the peaches with water as the peaches pass lengthwise of and between said pipes, a chute or hopper for automatically delivering the peaches to the tank conveyor, and a chute or device for automatically delivering the peaches ~~from~~ from said tank conveyor in a single file, line or row to and between said water pipes, substantially as specified.

15

Apr. 13/05

In a peach peeling machine, the combination with a tank for containing a peach skin softening and loosening liquid, of passing through the tank a heater therefor, a conveyor for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the peach discharging end of said conveyor for spraying the peaches with water as the peaches pass lengthwise of and between said pipes, and a screen under which the upper run of the conveyor passes for holding the peaches immersed in the liquid as they are carried through the same by the conveyor, substantially as specified.

16

In a peach peeling machine, the combination with a tank for containing a peach skin softening and loosening liquid, of passing through the tank a heater therefor, a conveyor for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the peach discharging end of said conveyor for spraying the peaches with water as the peaches pass lengthwise of and between said pipes, an endless conveyor brush arranged longitudinally of and between said pipes, rotary cylindrical brushes parallel and adjacent to said conveyor brush for brushing and turning the peaches as they

pass between said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, said rotary cylindrical brushes having a fibrous brushing material for a portion of their length, and a rubber sponge brushing material for a portion of their length, substantially as specified.

17

Apr.13/05 In a peach peeling machine, the combination with a tank for containing a peach skin softening and loosening liquid, of passing through the tank a heater therefor, a conveyor for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the peach discharging end of said conveyor for spraying the peaches with water as the peaches pass lengthwise of and between said pipes, an endless conveyor brush arranged longitudinally of and between said pipes, & ro- parallel and adjacent to said conveyor brush tary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, and said rotary cylindrical brushes having a fibrous brushing material, substantially as specified.

18

Apr.13/05 In a peach peeling machine, the combination with a tank for containing a peach skin softening and loosening liquid, of passing through the tank a heater therefor, a conveyor for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the peach discharging end of said conveyor for spraying the peaches with water as the peaches pass lengthwise of and between said pipes, rotary cylindrical brushes parallel to said pipes for brushing and turning the peaches as they pass between said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, and said rotary cylindrical brushes having a rubber sponge brushing material, substantially as specified.

In a peach peeling machine, the combination with a tank for containing a peach skin softening and loosening liquid, of passing through the tank
 Apr.13/05 a heater therefor, a conveyor for conveying the peaches into,

through and out of said liquid, a group of perforated water pipes for spraying the peaches with water as the peaches pass
 " " " at the peach discharging end of said conveyor
 " " " parallel to said pipes
 " " " es for brushing and turning the peaches as they pass between
 said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, and said rotary cylindrical brushes having a rubber sponge brushing material provided with a perforated back or base web, substantially as specified.

20 22x
 in a peach peeling machine
 Apr.13/05 The combination with a peach skin softening and loosening device, of a peach washing and brushing mechanism having a group of long perforated water pipes between which the peaches pass, substantially as specified.

Insert A3
 Apr.13/05 in a peach peeling machine 21
 " " " The combination with a peach skin softening and loosening device, of a peach washing and brushing mechanism having an endless belt brush by which the peaches are conveyed along and brushed, substantially as specified.

Insert A4
 Apr 13/05 in a peach peeling machine 22
 " " " The combination with a peach skin softening and loosening device, of a peach washing and brushing mechanism having rotary cylindrical brushes, substantially as specified.

Insert A5
 Apr.13/05. in a peach peeling machine 23
 " " " The combination with a peach skin softening and loosening device, of a peach washing and brushing mechanism having rotary cylindrical brushes rotated in opposite directions, sub-

Insert A6
 Apr. 13/05.

stantially as specified.

Apr.13/05 in a peach peeling machine²⁴

The combination_^ with a peach skin softening and loosening device, of a peach washing and brushing mechanism having rotary cylindrical brushes rotated in opposite directions, and provided with hollow perforated washer pipe cores, substantial-

Insert
A⁶

Apr.13/05 ly as specified.

in a peach peeling machine²⁵

The combination_^ with a peach skin softening and loosening device, of a peach washing and brushing mechanism having rotary cylindrical brushes rotated in opposite directions provided with hollow perforated washer pipe cores, and furnished with fibrous brushing material for a portion of their length, and with rubber sponge brushing material for a portion of and means for rotating said brushes their length_^, substantially as specified.

Apr.13/05

in a peach peeling machine²⁶

The combination_^ with a peach skin softening and loosening device, of a peach washing and brushing mechanism having a rotary cylindrical brush furnished with soft rubber sponge brushing material, substantially as specified.

in a peach peeling machine²⁷

The combination_^ with a peach skin softening and loosening device, of a peach washing and brushing mechanism having a rotary cylindrical brush furnished with soft rubber sponge brushing material with perforated base web and perforated water pipe core, substantially as specified.

in a peach peeling machine²⁸

The combination_^ with a peach skin softening and loosening device, of a peach washing and brushing mechanism having a cylindrical brush with perforated water pipe core and rubber

sponge brushing material, substantially as specified.

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29
in a peach peeling machine
The combination with an endless conveyor brush, of a rotary cylindrical brush, substantially as specified.

" " "

30
in a peach peeling machine
The combination with an endless conveyor brush of a

Apr.13/05

having rubber sponge brushing material
plurality of rotary cylindrical brushes, substantially as specified.

" " "

31
in a peach peeling machine
The combination with an endless conveyor brush of a

Insert

Apr.13/05

plurality of rotary cylindrical brushes having water pipe cores, substantially as specified.

" " "

32
in a peach peeling machine
The combination with an endless conveyor brush of a plurality of rotary cylindrical brushes having water pipe cores, and rubber sponge brushing material, substantially as specified.

Samuel J. Dunkley

Witnesses:

H.M. Munday

Edmund Adcock

OATH.

State of Illinois,
County of Cook,—ss.

Samuel J. Dunkley, the above-named petitioner, being sworn, deposes and says that he is a citizen of the United States and resident of Kalamazoo, in the County of Kalamazoo, and State of Michigan, that he verily believes himself to be the original, first, and sole inventor of the improvement in Machines for Peeling Peaches or other Fruit described and claimed in the annexed specification; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, or patented or described in any printed publication in any country before his invention or discovery thereof, or more than two years prior to this application, or in public use or on sale in the United States for more than two years prior to this application; that said invention has not been patented in any country foreign to the United States on an application filed by him or his legal representatives or assigns more than twelve months prior to this application; and that no application for patent on said improvement has been filed by him or his representatives or assigns in any country foreign to the United States, ~~except~~ as follows:

Inventor's full name: SAMUEL J. DUNKLEY.

Sworn to and subscribed before me this 26th day of November, 1904.

[Seal]

H. M. MUNDAY,
Notary Public.

M. E. C.

Div. 25 Room 315

Address only

"The Commissioner of Patents,

Washington, D. C."

and not any official by name.

Paper No. 1

All communications respecting this application should give the serial number, date of filing, title of invention, and name of the applicant.

2—260

DEPARTMENT OF THE INTERIOR.
UNITED STATES PATENT OFFICE.

Washington, D. C., December 20, 1904.

MAILED

" " "

Samuel J. Dunkley,

Care Munday, Evarts and Adcock,

Chicago, Illinois.

Please find below a communication from the EX-
your

AMINER in charge of the application of #234,715,
filed November 29, 1904, for Machines for Peeling
Fruit.

F. I. ALLEN,

THOMAS EWING,

Commissioner of Patents.

In the specification, page 2, line 29 "brushes" should apparently read brush; page 3, line 9, "Fig. 2a" should be Fig. 1a; and line 14, "Fig. 1" should be Fig. 2. Reference letter B' is not found on the drawings. "tangentially," page 4, line 29, is inconsistent with the showing of the openings in the pipes G in fig. 5

In claim 1, line 2, after chamber, insert "for"; in its present form the claim implicitly includes the "fluid," which is a transitory element, as part of the combination. The claim is rejected on 459,337, Strong et al., Sept. 8, 1891.

Claim 2 is rejected on 501,613, Foote, July 18, 1893, or 508,860, Barton, November 14, 1893.

Claim 4 is rejected on Barton, cited, in view of any chute, say J, in 616,284, Baker et al., December 20, 1898.

Claim 5 is rejected on Hutcheson, Oct. 6, 1903.

Since Foote, cited, shows the combination of skin loosening device and fruit brushing and washing device to be old, claim 6 and 7 are rejected as covering the substitution in that combination of the machine of 548,341, Wilson, Oct. 22, 1895. The duplication of the pipe O O' P is not a patentable one.

Claim 8 is objected to as leaving the structure too indefinite. The conveyer of line 3 should be defined as "passing through the tank," instead of by its function; the "perforated pipes" be located in reference to the tank or the above-mentioned conveyer, and the "rotary cylindrical brushes" located with reference to the conveyer brush or the perforated pipes. In its present form the claim does not distinguish from Wilson and Foote, cited, noting that the latter shows cylindrical brushes, 8.

The same objection applies to claims 1 to 19 inclusive, in greater or less degree.

Claims 11 and 12 are identical in expressed scope with claim 8. The last clauses should read, "means for rotating said brushes" etc., so expressly including an additional element. Such addition is, however, too usual to confer patentability per se; see Baker, 616,284, cited.

Claim 13 is rejected on 448,895, Van Kannel, March 24, 1891. as merely duplicating the pipe d, or on Foote, in view of Baker, 616,284, cited.

Claim 14 is rejected on Hutcheson, cited. Reference number 48 meets the chute of line 8, except for the functional statements.

Claim 15 is rejected on Hutcheson, cited.

In view of the combination of Foote, cited, claim 20 is rejected on 746,530, Latchford, December 8, 1903.

Claim 21 is rejected on Wilson, cited.

Claims 22 and 23 are rejected on Baker, 616,284, cited; claims 23, 24 and 25 are objected to on the same ground as claims 11 and 12, as regards "rotated in opposite directions," line 3. Claims 21 to 23 inclusive, are also rejected on Foote, cited, showing both the combination and the specific elements claimed.

Claim 24 is rejected as substituting in Foote an old form of brush,—see 513,640, Huether et al., Jan. 30, 1894, class 15, Bottle Washers, or 354,492, Stotz, December 14, 1886, same class.

Claim 26 covers a mere substitution of material, sponge rubber, for bristles, and is rejected on Foote, cited, in view of e.g., 516,911, Buckingham, March 20, 1894, class 15, Bath Flesh Brushes.

Claim 28 is rejected on the same grounds and references as claims 24 and 26.

Claims 30, 31, *are* 32 are rejected on Foote, cited, adding for claims 31 and 32, Huelther, cited, and for claim 32, Buckingham, cited.

References in Peelers and Washers unless otherwise noted.

JSH.

LEWIS B. WYNNE,
Examiner, Division XXV.

Div".25, Room 315.

Chicago, Illinois, April 11th. 1905.

Serial No. 234,715.

Filed November 29, 1904.

Machines for Peeling Fruit.

Samuel J. Dunkley.

PATENT OFFICE, MAIL ROOM

APR 14 1905

APR 13 1905

DIVISION XXV. U.S. PATENT OFFICE

Hon. Commr. of Patents,

Serial No. 234,715 Paper No. 2

Sir:

Amendment is made in this case as follows:

1. By cancelling "a" before: "rotary" in line 3 from bottom of page 2.
2. By changing: "Fig. 2^a" to "Fig. 1^a" in line 9 page 3.
3. By marking the reference letter "B¹" on Fig. 8 of the drawing, as indicating the upper guide or track upon which the upper run of the conveyor D rests.
4. By erasing "tangentially" in line 3 from bottom of page 4.
5. By inserting "for" after "chamber" in line 2 of claim 1
6. By inserting "extends through the tank" after "means" in line 3 of claim 1.
7. By inserting "at the exit end of the tank" after "mechan-
ism" in line 5 of claim 1.
8. By inserting "comprising a tank for containing a peach
skin softening and loosening fluid, and a conveyor extending
through the tank for conveying the peaches into, through and
out of the tank" after "device" in line 3 of claim 2.
9. By inserting "comprising cooperative longitudinally ex-
tending brushes, forming a channel along which the peaches
pass and are rotated as they pass" before "substantially"
in last line of claim 2.
10. By inserting "passing through the tank" after "conveyor"
in line 3 of claim 5; after "conveyor" in line 3 of claim 6;
after "conveyor" in line 3 of claim 7; after "conveyor" in line 3
of claim 8; after "conveyor" in line 3 of claim 9; after "convey-
or" in line 3 of claim 10; after "conveyor" in line 3 of claim
11; after "conveyor" in line 3 of claim 12; after "conveyor" in

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line 3 of claim 13; after "conveyor" in line 3 of claim 14;
after "conveyor" in line 3 of claim 15; after "conveyor" in line
3 of claim 16; after "conveyor" in line 3 of claim 17; after
"conveyor" in line 3 of claim 18; and after "conveyor" in line 3
of claim 19.

11. By inserting: "at the peach discharging end of said con-
veyor" after "pipes" in line 5 of claim 6; after "pipes" in
line 5 of claim 7; after "pipes" in line 5 of claim 8; after
"pipes" in line 4 of claim 9; after "pipes" in line 5 of claim 10
after "pipes" in line 5 of claim 11; after "pipes" in line 5 of
claim 12; after "pipes" in line 5 of claim 13; after "pipes" in
line 5 of claim 14; after "pipes" in line 5 of claim 15; after
"pipes" in line 5 of claim 16; after "pipes" in line 5 of claim
17; after "pipes" in line 5 of claim 18; and after "pipes" in
line 5 of claim 19.

12. By inserting "parallel and adjacent to said conveyor
"brush" after "brushes" in line 8 of claim 8; after "brushes" in
line 7 of claim 9; after "brushes" in line 8 of claim 10; after
"brushes" in line 8 of claim 11; after "brushes" in line 8 of
claim 12; after "brushes" in line 8 of claim 16; and after
"brushes" in line 8 of claim 17.

13. By inserting "parallel to said pipes" after "brushes" in
line 6 of claim 18; and before "for" in line 7 of claim 19.

14. By inserting "means for delivering the peaches from
"said tank in a row or single file to said pipes" after "pipes"
in line 6 of claim 11, and after "pipes" in line 6 of claim 12.

15. By changing "said" to "means for" in line 9 of claim 11
and in line 9 of claim 12.

16. By inserting "in a row or single file" after "means" in

line 5 of claim 4.

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Dec 22/05
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17. By inserting "and means for automatically delivering
"the peaches from said tank conveyor in a row or single file
"to and between ~~the~~ said perforated water pipes" before "sub-
stantially" in line 6 of claim 5.

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A³

18. By inserting "and means for automatically delivering the
"peaches from said skin softening and loosening device in a
"row or single file to and between said perforated water
"pipes" before "substantially" in last line of claim 20.

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Dec 22/05
A⁴

19. By inserting "and means for automatically delivering
"the peaches from said skin softening and loosening device in
"a row or single file to said endless belt brush" before "sub-
stantially" in last line of claim 21.

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Dec 22/05
A⁵

20. By inserting "means for automatically delivering the
"peaches from said skin softening and loosening device in a
"row or single file to and between said rotary cylindrical
"brushes" before "substantially" in last line of claim 22.

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Dec 22/05
A⁶

21. By inserting "means for ^{rotating} ~~inserting~~, said brushes in oppo-
site directions, and means for automatically delivering the
"peaches from said skinsoftening and loosening device in a
"row or single file to and between said brushes" before "sub-
stantially" in line 3 of claim 23; and before "substantially
in line 4 of claim 24.

22. By inserting "and means for rotating said brushes" be-
fore "substantially" in last line of claim 25.

23. By inserting "having rubber sponge brushing material"
after "brushes" in line 2 of claim 30.

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Dec 22/05
A⁷

24. By inserting "and ~~having~~ bristle brushing material for
"a portion of their length and rubber sponge brushing materi-
"al for a portion of their length" after "cores" in line 3 of
claim 31.

25. By inserting “in a peach peeling machine” after “combination” in line 1 of each of the following claims, namely: 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32.

NOTE: The Official letter of December 20, 1904 has been received and duly considered in connection with the references cited. The formal corrections noted in the Official letter have been made by the above amendment. A reconsideration is respectfully asked in regard to claims 1, 2, 4, 5, 8, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 26, 28, 30, 31 and 32; as above amended, and which are objected to on the merits in the Official letter.

The attention of the Examiner is called to the fact that application's invention is a peach peeling machine. The identical machine illustrated in the drawings herein was in successful operation at South Haven, Michigan, during the past season, and where it was seen by us in successful operation. This one machine, which we saw, operates to successfully and perfectly peel peaches at the rate of 1500 bushels per day, and is a practical and successful solution of the peach and peeling problem.

Not a single one of the numerous references cited shows a peach peeling machine of any kind; nor indeed any machine capable of doing this work.

354,492 is a bottle washing machine.

448,895 is a vegetable or fruit scalding machine.

459,337 is a cleaning machine, but is not designed for or capable of peeling anything, and much less peaches.

501,613 is a tomato skinning machine.

508,860 is an orange brushing and cleaning machine.

516,911 is a floor scrubber.

548,241 is an orange washer.

513,640 is a bottle washer.

616,284 is an orange or lemon brusher.

746,530 is a tomato skinner, and

740,758 is a pea blancher.

The applicant in this case, after the expenditure of much time and money in experimenting, has finally evolved a successful and practical peach peeling machine, by which this work may be done with much greater perfection than it can be done by hand and very rapidly and cheaply, so cheaply indeed that practically the only labor required is that of the man who empties the crates of peaches into the hopper "E¹."

When the nature of applicant's invention is borne in mind, a peach peeling machine, it will at once be seen that not a single one of the references cited ought, in fairness, to be considered as having any bearing thereon or real analogy thereto.

Applicant's peach peeling machine, in order to accomplish this new result of automatically and perfectly peeling peaches rapidly and cheaply, comprises in co-operative combination a number of different devices or elements, each specially constructed, and contributing its appropriate function to this single unitary result. And the mere fact that some of the devices entering into applicant's peach peeling machine have been previously used in

orange scouring machines, or boot-blackening machines, or what-not is entirely immaterial to the novelty and patentability of applicant's peach peeling machine. There is, really, no analogy between the peeling of a peach and the scouring of an orange; or the skinning of a tomato; or the washing of a bottle; or the scrubbing of a floor; or the blanching of a pea, etc. etc. *or the scrubbing of a floor; or the blanching of a pea, etc. etc.* The tomato skin is thin, strong and tough, and can be pulled off, or skinned off like a membrane. The skin or peel of a peach is as different as can be imagined.

The claims, as amended, now all expressly recite that they call for, or are for combinations in a peach peeling machine, and the claims, as amended, are now clearly distinguished from each and all of the references cited.

In regard to those claims which call for the rotary cylindrical rubber sponge brush as an element, and which were rejected in the Official letter, on the theory that the claims call for merely a substitution of material; the attention of the Examiner is called to the fact that the rubber sponge brush is a device which applicant found after much costly experimenting, was peculiarly adapted to perform a certain function, portion or stage of the work of his machine in peeling the peach successfully, rapidly, cheaply and perfectly. And in combination with other co-operative parts of applicant's peach peeling machine, this rubber sponge brush is patentable as an element of a new combination, in a new machine,

just for the same reason that a spring or lever, or a cam, or a knife, or any other device, however old it may be *per se*, may be patentable in combination with other parts of some new invention or machine in which it constitutes a necessary element or ingredient.

We respectfully submit that upon reconsideration the application should now be allowed.

Very respectfully,

SAMUEL J. DUNKLEY.

By MUNDAY, EVARTS & ADCOCK,

His Atty.

M. E. C.

Div. 25 Room 315

Address only

"The Commissioner of Patents,
Washington, D. C."

and not any official by name.

Paper No. 3

All communications respecting this application should give the serial number, date of filing, title of invention, and name of the applicant.

2—260.

DEPARTMENT OF THE INTERIOR.
UNITED STATES PATENT OFFICE.

WASHINGTON, D. C., May 19, 1905.

MAILED " " "

Samuel J. Dunkley,

Care Munday, Evarts and Adcock,

Chicago, Illinois.

Please find below a communication from the
your
EXAMINER in charge of the application, of
#234,715, filed November 29, 1904, for Machines
for Peeling Fruit.

F. I. ALLEN.

THOMAS EWING,
Commissioner of Patents.

Case reconsidered in view of applicant's action of April 13, 1905.

It is again required that Fig. 1, line 14, page 3, be corrected to read Fig. 2.

The claims are so cut up by amendments that under Rule 74 it is required that in his next action applicant shall rewrite them and present them in a fair copy.

Applicant's argument lacks force, as much of it seems to be based upon the assumption that the references are held to anticipate applicant's "peach peeling machine," i. e., the entire device disclosed. References are cited not against "the machine" as a whole, but as meeting the combination of elements defined by a particular claim. The words "in a peach peeling machine" do not affect the scope of a claim (*ex parte Golly*, 107 O. G., 1660) for unless a claim expresses some concrete difference which adapts the combination it covers to perform a new result better than that of the devices disclosed by the references, it covers mere double use, and is unpatentable. It is incumbent upon the applicant to point out where a claim expresses such concrete differences in structure, if he considers that it is not met by the references, as he had done in regard to the claims calling for the cylindrical rubber sponge brushes.

The amendment to line 3, claim 1, should read "extending" or "which extends through the tank."

Claim 1, when read upon applicant's drawing, covers a tank B, means (*viz.* a conveyor D) extending through the tank, and a washing and brushing

mechanism (G H. K). This combination may be read on Barton, cited, and there is no doubt that Barton's device with a skin loosening solution in the tank will remove the peel to some extent. This is also true of 665,201, Fay et al., Jan. 1, 1901 (Peelers and Washers), again Foote (cited) shows the combination of tank with conveyer extending through it, a brushing mechanism, and means for delivering fruit one at a time from tank to brusher, and the substitution in his machine of any other old form of brusher (say that of Wilson or 616,284, Baker of Fay, cited) or of tank and conveyer, say that of an Kannel or Hutcheson, cited, does not make a patentable machine, especially as Foote's machine is specifically a peeling machine performing the same operations as applicant's. Again, 784,527, Vernon, March 7, 1905 (Peelers and Washers, application filed Nov. 22, 1902) in his process of peeling fruit shows apparatus comprising two tanks each with its conveyer for containing skin softening and loosening liquids, washing and brushing mechanism comprising a tank, conveyer and roller brushes, and thus constitutes like Foote, a complete functional anticipation, negating any novelty in the result obtained in applicant's machine, and completely anticipating claim 1, which is rejected on all of the above grounds. This claim has been discussed at possibly greater length and in more detail than necessary, in order to make the position of the office in construing the claims and applying the references to the structure they cover as clear as possible.

Claims 2, 3, and 4 are objected to for implicitly including the liquid as part of the combination. The only means or device for softening and loosening the skin disclosed is the liquid, and this is a transitory element, which may be put in any tank, and which is no part of the machine. Applicant may claim a tank and a conveyer. They are thus broader than the invention and are rejected. They are rejected also on references,—claim 2, on Foote in view of Wilson, or Vernon, and claim 3 and claim 4 on Barton or Foote or Vernon, cited.

Claims 5, 6, and 7 are rejected on Foote, in view of Wilson, cited. They are also objected to as inaccurate in defining the water pipes as “at the end of the conveyor” and are held fragmentary and incomplete in the light of the disclosure in the absence of the chutes F or their equivalent.

Claims 8, 9, and 10, are inaccurate and fragmentary in the same sense as claims 5, 6, 7; if amended to remove these objections, they would probably present patentable matter, but would then apparently be open to the objection of substantial identity with claims 11 and 12. They are rejected.

Claims 11 and 12 are inaccurate in the expression “at the peach discharging end of said conveyer,” and the substitution of “means for” for “said” in line 8 of each claim is obviously wrong. When properly amended they may present patentable matter, but are in their present form rejected.

Claims 13 to 19 inclusive, are inaccurate in the same way as claims 11 and 12.

Claims 13, 14, 15, are rejected on references and for reasons of record.

Claims 16 to 19, should include the brush belt H or its equivalent, as otherwise the peaches will not "pass lengthwise of and between the pipes" and the combinations are incomplete.

Claims 20 to 28 inclusive are objected to for claiming "a peach skin softening and loosening device" on the ground stated in reference to claim 2. They are for this reason rejected as broader in scope than the invention.

As there is no invention in duplicating the pipes of either Wilson or 616,284, Baker, cited, claims 20 and 21 inclusive, are rejected on either of those references in view of Foote or Vernon *on* Barton, showing the combination of tank, conveyer and brusher and washer.

Claims 22 and 23 are rejected on Foote or Vernon, cited.

Claim 24 is rejected on Foote in view of Huelther, cited.

Claims 26 and 28 whose scope is not altered by the amendments are rejected on references and reasons of record.

Claim 29 is rejected on Foote or Strong, or on Baker, 616,284, in view of Wilson, cited.

Claims 30 and 32 are rejected on the same references as claim 29, in view of Buckingham, cited.

LEWIS B. WYNNE,

Examiner,

Division XXV.

JSH.

Amend't. and Asso. Power.

PATENT OFFICE.

DEC. 22, 1905. Serial No. 234,715 Paper No. 4.

DIVISION XXV.

Chicago, Ills., June 15th, 1905.

Room No. 315.

Serial No. 234,715.

Filed Nov. 29, 1904.

Samuel J. Dunkley.

Machines for Peeling Fruit.

To the Hon. Commissioner of Patents.

Washington, D. C.

Dear Sir:

Please recognize Mr. H. N. Low, of #507 E. St., Washington, D. C., as our associate attorney in the above-entitled case.

Very respectfully,

MUNDAY, EVARTS & ADCOCK,

Attys. for S. J. Dunkley.

Hon. Commissioner of Patents:

In application of S. J. Dunkley for
Machine for Peeling Fruit, NO. 234 715, filed Nov. 29, 1904, I
here amend as follows:

Page 3, line 6, change "side elevation" to ---plan---

Line 8 change "plan" to ---side---

Line 14 change "1" to ---2---

Cancel the claims and insert)---

1. The combination, in a peach peeling machine, of a tank wherein the skins of the peaches are softened and loosened, means for causing the peaches to pass through said tank, ~~and~~ a brushing mechanism at the exit end of the tank for operating on the skins of the peaches, and means for spraying the peaches with a peeling jet during the brushing operation, whereby the loosened skins are further wetted and brushed and washed off, substantially as and for the purposes described.
2. In a peach peeling machine the combination of a body of fluid wherein the skins of the peaches are softened and loosened, a brushing mechanism for operating on the skins of ~~of~~ the peaches so treated, means for transferring the peaches from the fluid to the said brushing mechanism, and means for spraying the peaches during the brushing operation, whereby the loosened skins are further wetted and brushed and washed off, substantially as and for the purposes described.
3. In a peach peeling machine the combination of a tank wherein the skins of the peaches are softened and loosened, a conveyer having means for holding the peaches in regular transverse rows and passing through the tank, skin-removing and conveying brushes arranged beyond the exit end of the tank,

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a tapering chute which receives a transverse row of peaches from the said conveyor and delivers the same in a longitudinal row to the said brushes, and actuating devices for the conveyor and brushes, substantially as set forth.

4. In a peach peeling machine the combination of means for softening and loosening the skins of the peaches, an endless conveying brush H, a pair of rotary brushes arranged at the sides of the conveying brush with their axes extending in the direction of travel of the conveying brush, and means for transferring the peaches from the said softening and loosening means to the space between the said brushes, substantially as set forth.

per F

4 5. In a peach peeling machine the combination of a tank for containing a peach skin softening and loosening liquid, a heater therefor, a conveyor passing through the tank for carrying the peaches into, through and out of said liquid, a group of perforated water pipes beyond the discharging end of said conveyor for spraying the peaches ^{with peeling jets} as they pass lengthwise of and between said pipes, an endless conveyor brush arranged longitudinally of said pipes, rotary brushes adjacent to said conveyor at each side thereof brush and having their axes extending in the direction of travel of the conveyor brush, and means for transferring the peaches from the conveyor to the space between said brushes, substantially as set forth.

per H

per F

Dec. 22/06

5 6. In a peach peeling machine the combination of a tank for containing a peach skin softening and loosening liquid, a heater therefor, a conveyor passing through the tank for carrying the peaches into, through and out of said liquid, a group of perforated water pipes beyond the discharging end of said conveyor for spraying the peaches as they pass lengthwise of

Dec.22/06

said pipes, an endless conveyor brush arranged longitudinally at each side thereof of said pipes, rotary brushes adjacent to said conveyor brush and having their axes extending in the direction of travel of the conveyor brush and having hollow perforated water pipe cores, and means for transferring the peaches from the conveyor to the space between the said brushes, substantially as set forth.

6

7. In a peach peeling machine the combination of a tank for containing a peach skin softening and loosening liquid, a conveyor passing through the tank for carrying the peaches into, through and out of said liquid, a group of perforated water pipes beyond the discharging end of said conveyor for spraying the peaches as they pass lengthwise of said pipes, an endless conveyor brush arranged longitudinally of said pipes, rotary brushes adjacent to said conveyor brush and having their axes extending in the direction of travel of the conveyor brush, the brushing material of one of said rotary brushes being spirally disposed thereon to aid in turning the peaches relative to the conveyor brush, and means for transferring the peaches from the conveyor to the space between said brushes, substantially as set forth.

7

8. In a peach peeling machine the combination of a tank for containing a peach skin softening and loosening liquid, a conveyor for carrying the peaches through said tank, a perforated water pipe beyond the discharging end of said conveyor for spraying the peaches with peeling jets as they pass lengthwise of the pipe, an endless conveyor brush arranged ~~to~~ longitudinally of said pipe, at each side thereof rotary brushes adjacent to said conveyor brush, and having their axes extending in the direction of travel of the conveyor brush

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mechanism for turning the rotary brushes in opposite directions, and means for transferring the peaches from the conveyor to the space between the said brushes, substantially as set forth.

8. In a peach peeling machine the combination of a tank for containing a peach skin softening and loosening liquid, a conveyor passing through the tank for carrying the peaches into, through and out of the same, a perforated water pipe beyond the discharging end of said conveyor for spraying the peaches as they pass lengthwise of ~~and between~~ said pipe, an endless conveyor brush arranged longitudinally of said pipe, rotary brushes adjacent to said conveyor brush and having their axes extending in the direction of travel of the conveyor brush, mechanism for rotating said rotary brushes at different speeds, and means for transferring the peaches from the conveyor to the space between said brushes, substantially as set forth.

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Dec. 22/06

9. In a peach peeling machine the combination of a tank for containing a peach skin softening and loosening liquid, a conveyor passing through the tank, a perforated water pipe beyond the discharging end of the conveyor, an endless conveyor brush arranged longitudinally of said pipe, rotary brushes adjacent to said conveyor brush and having their axes extending in the direction of travel of the conveyor brush, said rotary brushes being provided with a rubber sponge brushing material, and means for transferring the peaches from the conveyor to the space between said brushes, substantially as set forth.
10. In a peach peeling machine the combination of a tank, a conveyor passing through the tank, an endless conveyor brush, rotary brushes adjacent to said conveyor brush and having their axes extending in the direction of travel of the conveyor brush, said rotary brushes being provided with a fibrous brushing

material and a rubber sponge brushing material, and means for transferring the peaches from the conveyor to the space between the said brushes, substantially as set forth.

11

12. In a peach peeling machine the combination of a tank, a conveyor passing through the tank, an endless conveyor brush, rotary brushes adjacent to said conveyor brush and having their axes extending in the direction of travel of the conveyor brush, said rotary brushes having hollow perforated water pipe cores and being provided with a rubber sponge brushing material, and means for transferring the peaches from the conveyor to the space between the said brushes, substantially as set forth.

12

13. In a peach peeling machine the combination of a tank, a conveyor passing through the tank, rotary cylindrical brushes having hollow perforated water pipe cores and having a rubber sponge brushing material provided with a perforated back, means for supporting the peaches in contact with said rotary brushes, and means for transferring the peaches from the conveyor to the space between said brushes, substantially as set forth.

13

14. In a peach peeling machine the combination of a tank, a conveyor passing through the tank, rotary cylindrical brushes having hollow perforated water pipe cores and furnished with fibrous brushing material for a portion of their length and with rubber sponge brushing material for a portion of their length, means for rotating said brushes in opposite directions, and means for transferring the peaches from the conveyor and along said rotary brushes, substantially as set forth.

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15. In a peach peeling machine wherein the skins of the peaches are softened and loosened, a brushing mechanism for removing the skins of peaches, the brushing devices of said

mechanism being provided with rubber sponge brushing material, substantially as and for the purposes described.

Dec. 22/06

16. In a peach peeling machine wherein the skins of the peaches are preliminarily softened and loosened, a brushing mechanism for removing the skins of the peaches consisting of the combination of an endless belt conveyor brush and rotary brush-
at each side thereof
es adjacent to said conveyor brush and having their axes extending in the direction of the travel of the conveyor brush, substantially as and for the purposes described.

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17. In a peach peeling machine wherein the skins of the peaches are preliminarily softened and loosened, a brushing mechanism for removing the skins of the peaches comprising rotary cylindrical brushes having perforated water pipe cores and provided with soft rubber sponge brushing material and perforated base webs, substantially as and for the purposes described.

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19. In a peach peeling machine, the combination with an endless conveyor brush of a rotary cylindrical brush arranged with its axis parallel with the direction of travel of the conveyor brush for removing the skins of the peaches, substantially as set forth.

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" " "
20. In a peach peeling machine, the combination of a plurality of rotary cylindrical brushes and an endless belt conveyor brush whose direction of travel is parallel with the axes of
at each side of the conveyor brush
said rotary brushes, the rotary brushes being arranged, to hold the peaches down upon the conveyor brush, substantially as set forth.

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21. In a peach peeling machine, the combination of a brushing device provided with a surface of soft rubber sponge, and means for holding the peaches in contact with and advancing them along said device, and mechanism for actuating the latter, substantially as set forth.

17 ~~21-22.~~ In a peach peeling machine the combination of a tank wherein the skins of the peaches are softened and loosened, a conveyor having transverse compartments for holding the peaches extending longitudinally of the conveyor in rows, a tapering chute ~~for receiving such rows of peaches and changing them into a longitudinal row~~, and skin-removing mechanism operating on the longitudinal row of peaches, substantially as set forth.

18 ~~22-23.~~ In a peach peeling machine the combination of a tank wherein the skins of the peaches are softened and loosened, a conveyor delivering the peaches from said tank, tapering chutes and extending longitudinally of the conveyor separated from one another, ~~receiving the peaches from the conveyor and acting to transverse the same into longitudinal rows~~, and skin-removing mechanism operating on the longitudinal rows of peaches, substantially as set forth.

19 ~~23~~ ~~24.~~ In a peach peeling machine the combination of means for applying fluid to the skins of the peaches, and a skin-removing mechanism having a surface of rubber sponge, substantially as set forth.

Insert
D
Dec 29/06 After very careful consideration of the references the above amendment has been made, which appears to clearly distinguish from the prior patents and to obviate all objections.

This machine accomplishes a very difficult object, and the claims ought to be considered carefully with this new result in mind.

It would seem that any claim not completely met should be allowed, the presumption being that it specifies a patentable feature of improvement, for the result is undeniably desirable and has not been heretofore accomplished.

S. J. Dunkley,

by H N Low attorney.

M. E. C.
Div. 25 Room 315
Address only
"The Commissioner of Patents,
Washington, D. C."
and not any official by name.

Paper No. 5
All communications respecting this
application should give the serial
number, date of filing, title of inven-
tion, and name of the applicant.

2—260

DEPARTMENT OF THE INTERIOR.
UNITED STATES PATENT OFFICE.

WASHINGTON, D. C., March 19, 1906.

MAILED " " "

Samuel J. Dunkley,
Care H. W. Low,
City.

Please find below a communication from the
your
EXAMINER in charge of the application of
#234,715, filed November 29, 1904, for Machines for
Peeling Fruit.

F. I. ALLEN,
THOMAS EWING,
Commissioner of Patents.

Case examined as amended December 22, 1905.

Arrows indicating direction of motion should be
applied to conveyer D in figs. 1a, 2 and 2a, and to
conveyer brush H in fig. 3.

Reference character B' does not appear in fig. 8.

Claim 1, line 7, cancel the first "and" and sub-
stitute therefor a comma. Claim 1 is rejected upon
508,860, Barton of record. Moreover, 501,613,
Foote, of record meets the claim, since it would re-
quire no invention to place a sprayer over brush 15.

Claim 2:—the material used to operate a device

such as steam, water, etc., are not proper elements of a claim, being independent of any mechanical structure; hence a "body of fluid" must be stricken from claim 2. Claim 2 is rejected upon the same references as claim 1.

Claim 3 may be allowed.

Claim 4 is rejected as involving the mere substitution in Foote for his brush 15 of brush disclosed in fig. 1 of 734,284, Stebler, July 21, 1903 (Peelers and Washers).

Claim 5 is rejected upon Stebler, cited, showing a rotary brush (2) with its axis extending in the direction of travel of conveyer brush I, and Foote showing the general features of the claim. To place a group of perforated water pipes in Stebler's apparatus between which the fruit would pass would require no invention in view of 616,284, Baker of record, showing one pipe I, and 746,530, Latchford of record, which shows two such pipes (see fig. 2). Means for heating the loosening liquid is also sold in view of 678,328, Bancroft, July 9, 1901—Peelers and Washers, (see steam coil 38).

Claim 6 is rejected upon 513,640, Huether et al., of record together with the references cited for claim 5.

Claim 7 may be allowed, as at present advised.

Claim 8 involves no more than the mere substitution of Stebler's conveyer brush 29 for Baker's conveyer F', and the mere substitution of this for Foote's conveyer 15. Claim 8 is therefore rejected.

Claim 9 is rejected upon the same references as

claim 8 (see lines 92-94, page 1, and lines 3-6, page 2 of Baker's specification).

Claims 10 and 11 are rejected as involving the mere substitution in Foote, for his brush 15 of Stebler's apparatus. The rubber sponge brushing material on the rotary brushes is a mere substitution of one well known material for another with no new relation or better results resulting therefrom. The following patents show cylinders covered with soft yielding material; 528,195, Warr, Oct. 30, 1894, and 772,441, Taplin, October 18, 1904, (all in Peelers and Washers).

See *G. Frost et al. v. Cohn et al.*, 119 F. 505, C. C. A., 185 (2nd Cir.).

Claim 12 is rejected as for the aggregation of old parts, functions and relations. The following patents show every feature in the exact relation and performing the same function: Foote shows the general structure. Tank 1 of Foote contains scalding water for softening the skins of the vegetables to be acted upon; from tank 1 the material is carried to belt brush 15, which removes any peeling that may remain on the vegetable. Huether of record shows a brush with a perforated stem, hence to merely mount brush 2 of Stebler on a perforated shaft and substitute the same for belt brush 15 of Foote would not require invention.

Claim 13 may be allowed, as at present advised.

Claim 14 fails to give any utility for having the cores furnished with fibrous, brushing material for a portion of its length and with rubber sponge brushing material for a portion of its length, and is re-

jected upon Foote, Huether, Baker and Warr, for the reasons given.

Claim 15 is rejected upon 784,527, Vernon, of record. To substitute for Vernon's brush 17 one of type shown in Warr of record would not involve invention.

Claim 16 is rejected on Barton, or Foote and Stebler, of record.

Claim 17 may be allowed.

Claim 18 is rejected as met in Stebler.

Claim 19 is for no more than the mere substitution of Stebler's brush belt 28 for Baker's conveyer E. The cylindrical brushes A A' of Baker are arranged to hold the fruit down of conveyer belt E (see figs. 2 and 3).

Claim 20 is for the mere substitution of a brush roller as shown in Warr, cited, for Stebler's brush 2, and is rejected upon these references.

Claim 21. The expression "changing them into a longitudinal row" is objectionable, since it suggests that each transverse row of fruit is revolved through a right angle by the tapering chutes. This objection would be removed by canceling "for receiving—row" (lines 4 and 5) and substituting "extending longitudinally of the conveyer." When corrected, claim 21 may be allowed.

Claim 22 is objected to for the same reason as claim 21, but may be allowed when corrected.

Claim 23 is rejected upon Vernon, cited, in view of Warr's roller 15.

In view of the state of the prior art the number of claims in this case is excessive.

LEWIS B. WYNNE,
Examiner, Div. XXV.

Sperry.

PATENT OFFICE.

DEC. 22, 1906.

DIVISION XXV.

PATENT OFFICE.

DEC. 24, 1906.

DIVISION XXV.

Serial No. 234, 715 Paper No. 6.
Hon. Commissioner of Patents:

In application of S. J. Dunkley, No. 234,715, for Machine for Peeling Fruit, filed Nov. 29, 1904, I hereby submit as follows:

This invention comprises, aside from certain sub-combinations, a general combination of instrumentalities which produces a new and useful result in the peeling of peaches hitherto wholly unattained. It is believed that protection will unhesitatingly be accorded to the real invention, as soon as proper claims for the purpose can be formulated.

The general remark may here be made that fruit cleaning and polishing devices are of doubtful value and pertinency as references in this case. The articles on which those devices operate are hard and firm, but peaches, on the average, are very different. When the latter are a little ripe they require delicate and careful manipulation not to be injured or destroyed. Yet their skins must be removed.

For example, Warr, and Taplin, are cited for

claims which are limited to the rubber sponge skin-removing material. Now both of these patents are designed to operate on the firm skin of oranges, and not for the purpose of removing the rind but for washing and polishing it. The yielding material in Warr is sheepskin, and in Taplin is a filamentous brushing surface. Both of these materials are different from rubber sponge and are used for a different purpose. And the applicant does not claim a soft yielding material, broadly, but rubber, specifically.

The principal instrumentalities of the applicant are the following: 1st, the skin-loosening bath. 2d, means for conveying the peaches through the skin-loosening bath. 3d, means for arranging or delivering the peaches automatically in a continuous longitudinal row. 4th, the fibrous brushes for lifting and partly removing the loosened skin. 5th, the rubber sponge for completing the skin-removing operation. 6th, spraying means to facilitate this operation by the brushes and rubbers.

No reference shows this combination, and no grouping of references suggests this combination.

The following amendment is hereby made, for the purpose of submitting a claim of the character above indicated, and to correct other claims in necessary particulars:

Claim 1 line 5 before "and means" insert—

G
per H

--- means between the ~~xxxx~~ tank and the brushing mechanism for arranging the peaches in a row in the direction of their travel --

Cancel claim 2 and insert--

G'
per H
per G
per F
" G

2. The combination of a tank wherein the skins of peaches are loosened, a conveyor passing through the tank for carrying the peaches, means for receiving the peaches from the conveyor and arranging them automatically in ~~xxxx~~ a longitudinal row extending in the direction of their travel, fibrous brushes for supporting said fruit and ^{brushes} acting destructively on the loosened skins, ^{rubbers of india} at each side ^{rubber} for acting on the surfaces of the peaches to remove the skins or portions thereof, and spraying devices which operate on the fruit while it is being brushed and rubbed, substantially as set forth.

Claim 4 is for the conveying brush H having at its sides the rotary cylindrical brushes K K'. Reviewing the examiner's objection, I would say, that supposing that we substitute in Foote, 501 613, for brush 15, some brush shown in Fig. 1 of Stebler, 734 284; even then we will not have the combination claimed, because the brush 15 is not at the sides of the Foote cylindrical brushes, and any substituted brush must be substituted in the place where 15 is, and will consequently not be in the place called for by the claim nor have the function.

Claim 5, line 9, after "brush" insert—

—at each side thereof—, and make the same insertion at the end of line 8 of claim 6; and in line 7 of claim 8; and in line 8 of claim 9.

As to the above claims it is to be noted that Foote has no conveyor-brush below; his brush 15 does not

co-operate with the cylindrical brushes; Stebler has no pair of cylindrical brushes and no conveyor-brush below and co-operating with such cylindrical brushes; Baker has no horizontal bottom brushing device.

It is urged that the claims involving the rubber sponge be considered in view of what is said on page 1 of this paper, bearing in mind that this rubber is not at all suitable for polishing (as is the sheepskin of Warr) but has a clinging, tearing tendency. And yet, not having projecting filaments like a brush, operates only on the surface of the peach and does not penetrate and tear the pulp. These remarks apply to claims 10, 11, 12, 14, 15, 20, 23.

Claim 16, line 5 after "brush" insert--

---at each side thereof---

Cancel claim 18 and insert--

19. In a peach peeling machine, the combination, with an
for supporting and carrying the fruit
endless conveyor brush, of a pair of rotary cylindrical brushes
arranged with their axes parallel with the direction of travel
of the conveyor brush and at each side of the latter, for re-
moving the skins of peaches, substantially as set forth.

Claim 19 line 4 after "arranged" insert--

---at each side of the conveyor brush---

Claim 21 cancel "for" to "row", inclusive, lines 4 and 5,
and insert--

---extending longitudinally of the conveyor---

Claim 22 cancel "receiving" to "rows", inclusive, lines
4 and 5, and insert--

---and extending longitudinally of the conveyor---

Dec. 24, 1906.

by Samuel J. Dunkley, attorney/
R H Low

per G15
C2
per H

-3-

PATENT OFFICE,
DEC 29 1906
DIVISION XXV.

Serial No. 234715 Paper No. 7

Hon. Commissioner of Patents:

In application of S. J. Dunkley for
Peach Peeling Machine, No. 234 715, filed Nov. 29, 1904,

I hereby amend as follows:

Insert the following claims:

20 ~~24~~ In a peach peeling machine the combination of a tank where-
in the skins of the peaches are loosened, stiff brushing devices
for preliminarily abrading or scoring such loosened skins, soft
brushing devices for subsequently acting on such abraded skins
to remove the same without injury to the pulp of the peaches,
and means for causing the travel of the peaches through the
tank and said brushing devices, substantially as set forth.

21 ~~25~~ In a peach peeling machine the combination of a tank
wherein the skins of the peaches are loosened, stiff brushing
devices for preliminarily abrading or scoring such loosened
skins, soft brushing devices for subsequently acting on such
abraded skins to remove the same without injury to the pulp of
the peaches, means for causing the travel of the peaches
through the tank and said brushing devices, and means for auto-
matically arranging the peaches, coming from the tank, in a
longitudinal row extending in the direction of the travel of
the peaches, for presentation to said brushing devices, substan-
tially as set forth.

Please number the above claims in order after the pending
claims.

After careful consideration of the references the above
claimed subject matter appears to be novel, and consideration
of these claims is requested in connection with the pending am-
endment.

S. J. Dunkley,

H N Low
attorney.

Dec. 29, 1906.

M. E. C.

Div. 25 Room 315

Address only

"The Commissioner of Patents,
Washington, D. C."
and not any official by name.

Paper No. 8

All communications respecting this
application should give the serial
number, date of filing, title of inven-
tion, and name of the applicant.

2—260

DEPARTMENT OF THE INTERIOR.

UNITED STATES PATENT OFFICE.

Washington, D. C., Jan. 10, 1907.

MAILED " " "

Samuel J. Dunkley,
Care H. N. Low,
City.

Please find below a communication from the Ex-
aminer in charge of the application of #234,715,
filed Nov. 29, 1904, for Machines for Peeling Fruit.

F. I. ALLEN.

THOMAS EWING,
Commissioner of Patents.

Case as amended December 22, and 29, 1906, ex-
amined.

The drawing should be corrected as suggested in
last office action.

Claim 1 is again rejected upon Barton or Foote
of record. Although Barton's machine is designed
to clean fruit rather than peel the same, it is held
that his machine might well be used to perform the
same function as applicant's without undergoing
any reorganization which would amount to inven-
tion. A new use for an old machine is not invention.

It is to be noted that Barton's conveyer E arranges
the fruit in a row in direction of their travel. The

use of india-rubber as a peeling surface is old as shown in 59,324, Wathew, Oct. 30, 1866, Peelers and Washers. Claim 2 is therefore rejected upon Barton, in view of Wathew, cited. To make Barton's second pair of brushes of india-rubber would not require invention.

Claim 3 has been allowed.

No reason is seen for reversing the last action upon claims 4 and 5; they are again rejected upon grounds of record.

Claim 6 may be allowed, as at present advised.

Claim 7 has been allowed.

Claims 8 and 9 are again rejected on references of record.

Claims 10 and 11 are rejected as for the mere substitution in Foote for brush 15, of Stebler's apparatus. The india-rubber brushing surface is not new in view of Wathew, cited, and might be used in Stebler without involving invention.

Claim 12 may be allowed, as at present advised.

Claim 13 has been allowed.

Claim 14 may be allowed.

Claim 15 is rejected upon Vernon, in view of Wathew, cited.

Claim 16 is again rejected as for the mere substitution in Foote for conveyers 13 and brush 15 of Stebler's apparatus. The claim is also substantially met in Baker, of record, showing a pair of rotary brushes at each side of a conveyer.

Claim 17 has been allowed.

Claim 18 is rejected upon Baker and Stebler. To substitute Stebler's brush conveyer 29 for Baker's

conveyer D would not require invention. A claim to be patentable must distinguish structurally and not simply by function over the art.

Claim 20 is rejected as substantially met in Stebler and Baker. To place Stebler's brush conveyer 29 in Baker's machine in place of conveyer D and arrange axes of rotary brush parallel with direction of travel of said conveyer brush would not involve any new function or relation not found in these patents.

Claim 20 is rejected upon Wathew and Stebler. To make Stebler's brush 2 of rubber would not require invention.

Claims 21, 22 may be allowed.

Claim 23 is rejected upon Foote, in view of Wathew.

Foote shows the idea of passing fruit through a series of brushing devices to thoroughly remove the skin, and Wathew shows an india-rubber peeler. To make one of the peelers of Foote of india-rubber would not be invention. Claims 24 and 25 are therefore rejected.

Sperry.

LEWIS B. WYNNE,
Examiner, Div. XXV.

Serial No. 234,715, Paper No. 9.

MAIL ROOM.

OCT. 24, 1907.

U. S. PATENT OFFICE.

UNITED STATES PATENT OFFICE.

In the Matter of Application of SAMUEL J.
DUNKLEY, for a Patent for Machines for
Peeling Fruit.

Filed 11-29, 1904. Serial No. 234,715.

Division No. 25, Room No. 315.

Date of last Office letter—Mar. 19, 1906.

Commissioner of Patents,

Washington, D. C.,

Dear Sir:

The undersigned hereby revokes all powers of attorney heretofore executed in the matter of the above-entitled application.

And he hereby appoints Fred L. Chappell and Otis A. Earl, of the City and County of Kalamazoo, State of Michigan, doing business as copartners under the firm name of Chappell & Earl, (Registration Number 6559), his attorneys, with full power of substitution and revocation, to prosecute the said application, to make alterations and amendments therein, to sign the drawing, to receive the patent, and to transact all business in the Patent Office connected therewith.

Signed at Kalamazoo, in the County of Kalamazoo, and State of Michigan, this 12th day of October, 1907.

SAMUEL J. DUNKLEY,

[On reverse side:]

25
Accepted October ~~22~~, 1907.

C. C. BILLINGS,
Asst. Commissioner
Docket Clerk. Oct. 24, 1907. U. S. Patent Office.
2—069.

E. E. G.

Serial No. 234,715, Paper No. 10.

All communications should be addressed to

“The Commissioner of Patents,
Washington, D. C.”

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE.

Washington, D. C., Oct. 26, 1907.

Sir:

You are hereby informed that YOUR POWER OF ATTORNEY HAS BEEN REVOKED in the matter of the application of Samuel J. Dunkley, for Letters Patent for an Improvement in Machines for Peeling Fruit.

No. 234,715. Filed Nov. 29, 1904.

Very respectfully,

E. B. MOORE,

F. I. ALLEN,

Commissioner.

MUNDAY, EVARTS & ADCOCK,
Marquette Bldg.,
Chicago, Ill.

2—070.

E. E. G.

All communications should be addressed to

“The Commissioner of Patents,
Washington, D. C.”

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE.

Washington, D. C., Oct. 26, 1907.

Sir:

You are hereby informed that YOUR POWER OF ATTORNEY HAS BEEN ACCEPTED in the matter of the application of Samuel J. Dunkley, for Letters Patent for an Improvement in Machines for Peeling Fruit.

No. 234,715. Filed Nov. 29, 1904.

Very respectfully,

E. B. MOORE,

F. I. ALLEN,

Commissioner of Patents.

CHAPPELL & EARL,

Kalamazoo,

Mich.

MAIL ROOM.

OCT. 24, 1907.

U. S. PATENT OFFICE.

PATENT OFFICE,

OCT. 28, 1907,

DIVISION XXV.

Serial No. 234,715.

Paper No. 11.

UNITED STATES PATENT OFFICE.

In the Matter of Application of SAMUEL J. DUNKLEY, for a Patent for Machine for Peeling Fruit.

Filed November 29, 1904. Serial No. 234,715.

Division No. 25. Room No. 315.

Date of last Office letter—Mar. 19, 1906.

Commissioner of Patents,

Washington, D. C.,

Dear Sir:

I desire to amend by adding the following claims:

22 26 1. 24. In a peach peeling machine, the combination of means
 2. for softening and loosening the skins of the peaches; a
 E' 3. conveyor brush arranged to receive the peaches in a row
 4. on its upper surface; and a rotary brush arranged at the
 per 5. side of the conveyor brush with its axis extending in
 H 6. the direction of the travel of the conveyor brush; and
 7. for delivering the peaches from said softening and loosen-
 8. ing means onto the conveyor brush, substantially as set
 9. forth.

23 27 1. 25. In a peach peeling machine, the combination of means
 2. for softening and loosening the skins of the peaches; a
 3. conveyor brush arranged to receive the peaches in a row
 4. on its upper surface; a rotary brush arranged at the side
 5. of the conveyor brush with its axis extending in the di-
 6. rection of the travel of the conveyor brush; means for
 7. delivering the peaches from said softening and loosening
 8. means onto the conveyor brush, and spraying devices for
 per F 9. spraying the peaches while they are being brushed, sub-
 10. stantially as set forth.

24 281. 26. In a peach peeling machine, the combination of a

2. conveyor brush; a rotary brush with its axis arranged

3. parallel to the direction of the travel of the convey-

4. or brush and in position to brush ~~the~~ away the skin of

per F 5. the peach as it is being acted upon by the conveyor

6. directing peeling jets of water brush; and spraying means for washing away the loosened

7. skins, coacting for the purpose specified.

29

1. 27. In a peach peeling machine, the combination of a

2. tank for containing a liquid for softening and loosening

3. the skins of the peaches; a heater therefor; a convey-

per F 4. or through the tank for carrying the peaches into,

5. through and out of the said liquid; separating devices

6. beyond the discharge end of said conveyor; a conveyor

7. brush arranged to receive the peaches from said tank;

8. ~~means~~ means for delivering the peaches to said conveyor

9. brush in a row in the direction of the travel of the

10. conveyor; rotary brushes arranged to act upon the row

11. of peaches as they are acted upon by the conveyor, coact-

12. ing for the purpose specified.

25

30

1. 28. In a peach peeling machine, the combination of

2. a tank containing a peach skin softening and loosening

3. liquid; a conveyor means for discharging the peaches

per H 4. from said tank; means for conveying the peaches and ar-

5. ranging them in a row in the direction of their travel;

6. rotary brushes with their axis arranged in the direction

7. of the travel of the conveyor positioned to act upon the

8. row of peaches as it is advanced, whereby the softened

9. peel is broken and brushed away and the peaches are

10. turned by the action of the brushes until the peel is re-

11. moved, coacting for the purpose specified.

- 26 1. ³¹
29. In a peach peeling machine, the combination of a
2. tank containing a peach skin softening and loosening
3. liquid; means for conveying the peaches and arrang-
4. ing them in a row in the direction of their travel;
5. rotary brushes with their axes arranged in the direction
6. of the travel of the conveyor positioned to act upon the
7. row of peaches as it is advanced, whereby the softened
8. peel is broken and brushed away and the peaches are
9. turned by the action of the brushes until the peel is
10. removed, coating for the purpose specified.
- 27 1. ³²
30. In a peach peeling machine, the combination of a
2. tank containing a peach skin softening and loosening
3. liquid; a conveyor means for conveying the peaches and
4. arranging them in a row in the direction of their travel;
5. rotary brushes with their axis arranged parallel to the
6. direction of travel of the conveyor arranged to act upon
7. the row of peaches as it is advanced, whereby the soften-
8. ed peel is broken, ^{and brushed} away and the peaches are turned by the
9. action of brushes until the peel is removed; and
per F 10. to deliver peeling jets
11. spraying devices, for washing away the brushed-off peel,
coating for the purpose specified.
- 28 1. ³³
31. In a peach peeling machine, the combination of a
2. tank containing a peach skin softening and loosening
3. liquid; a conveyor means for conveying the peaches and
4. arranging them in a row in the direction of their travel;
5. rotary brushes with their axis arranged parallel to the
6. direction of travel of the conveyor arranged to act upon
7. the row of peaches as it is advanced, whereby the soft-
8. ened peel is broken and brushed away and the peaches are
9. turned by the action of the brushes until the peel is
10. removed, coating for the purpose specified.
10.
Insert
F

A reconsideration of the claims in view of the above amendment is respectfully requested. It is desired to remark in this connection that the matter of removing the peel from peaches is likely a more difficult peeling operation than any heretofore performed, and a different one. Except in a small way by hand, paring machines have been the usual means of accomplishing this result. This is an exceedingly wasteful method and not effective, and until applicant had devised his apparatus, there were none in successful operation or that could be obtained for the purpose that were satisfactory at all. This necessitated that if applicant would have a successful machine, he devise it himself. A careful study of the problem through years of experience in the fruit canning business and in the Fruit Belt of Michigan has enabled him to hit upon a means that will accomplish the result.

The structure of the patent to Foote, while it may handle tomatoes as indicated, would leave substantially nothing but the pits of the peaches, and canned peach pits would not be a commercial article so far as applicant is aware. Certainly it is the object, so far as applicant is aware, to preserve the pulp, and the more pulp that can be preserved, the better. By acting upon the fuzzy peach peeling by a suitable solution it is possible by a gentle rubbing action to entirely remove the peeling, even from the depressions at the stem end, and as the article treated is very different from a tomato, and as the apparatus for treating a tomato is not effective, for the purpose, it is submitted that the applicant is entitled to the claim to the

peach peeling machine. The patent to Foote is not effective even for peeling tomatoes, because there is the cutter 19 appearing in Fig. 2 for trimming out the peeling from depressions, showing that a harsh set of brushes is made use of, which rend the tough peel of the tomatoes. A tomatoe is all pulp and any slight waste of that kind would not be noticed, and then the knife can cut the peel from the depressions. It is not so in removing the peel from peaches.

The machine to Barton shows a conveyor which picks up such fruit as oranges and lemons one at a time and passes them along stiff brushes and separators, peeling the same. No attempt is made to remove the peel as that is not desired with fruit of that kind.

A bottle-washing machine is of no advantage in giving any suggestions as to means of peeling peaches. An orange polishing machine has nothing to do with the case. The peaches are not polished, but it is necessary to treat them with the utmost care, else the soft and tender pulp will be entirely wasted.

The Stebler patent shows what might properly be characterized as a fruit or vegetable polisher. The vegetables are passed against stiff brushes and force the brushes out of the way. This would be entirely destructive of the peach.

The Latchford patent shows a series of knives for slitting the peeling, and then devices for taking hold of the slitted part and tearing it away. Nothing of the kind is possible in the matter of treating a peach. It is believed that the claims submitted should be

820 *Central California Canneries Company et al.*

allowed. A revocation and power of attorney is herewith submitted.

SAMUEL J. DUNKLEY,
By CHAPPELL & EARL,
Attorneys in Fact.

Kalamazoo, Michigan, October 22, 1907.

Docket Clerk. Oct. 24, 1907. U. S. Patent Office.

M. E. C.

Div. 25 Room 315

Address only

"The Commissioner of Patents,
Washington, D. C."
and not any official by name.

J R S

Paper No. 12

All communications respecting this
application should give the serial
number, date of filing, title of inven-
tion, and name of the applicant.

2—260

DEPARTMENT OF THE INTERIOR.

UNITED STATES PATENT OFFICE.

Washington, D. C., Dec. 21, 1907.

MAILED " " "

S. J. DUNKLEY,
Care Chappell and Earl,
Kalamazoo, Mich.

Please find below a communication from the EX-
your
AMINER in charge of the application of #234,715,
filed Nov. 29, 1904, for Machines for Peeling Fruit.

E. B. MOORE,
THOMAS EWING,

Commissioner of Patents.

Case as amended Oct. 24, 1907, examined. The
drawing remains uncorrected.

Claim 1 is again rejected upon the grounds of
record. The peeling and cleaning are held to be

analogous arts, and the changes necessary to adapt these references to peel instead of clean fruit would occur to any skilled mechanic.

Claim 2 should be amended to express the relative location of the fibrous, and rubber brushes with respect to each other, and to the conveyor.

Claim 4 stands rejected. Lines 3, 4, "at the side" should read "above." It being old to use an endless belt brush to carry fruit past brushes extending longitudinally in the direction of travel of said endless brush, and at both sides thereof, as shown in Wilson of record, and also to employ rotary cylindrical brushes extending longitudinally on both sides of an endless fruit conveyor, as shown in Baker et al., it is held that placing Baker's brushes A A in Wilson's machine in place of brushes e, h, would be mere substitution. Claim 4 is *there* rejected.

Claim 5, lines 6, 7, "as — pipes" is a mere statement of result, the structure permitting the result should be positively expressed; line 9, the rotary brushes should be described as above as well as at the side of the conveyer brush,—see also many other claims.

Claims 8, 9, are objected to for same reasons as 5th.

Claim 15 stands rejected.

Claims 16, 18, 19, are rejected upon same grounds as claim 4.

Claims 26, 27, 28, 29, 30, 31, 32, 33, are rejected upon same grounds as 4th. The liquid tank with its specific form or conveyer and the specific device for arranging the fruit in longitudinal rows, do not affect the specific form of brushing members, proper, (but

822 *Central California Canneries Company et al.*

see Burton), these parts constituting a feed for the brush.

LEWIS B. WYNNE,
Examiner, Div. XXV:

JRS.

MAIL ROOM.

DEC. 11, 1908.

U. S. PATENT OFFICE.

PATENT OFFICE,

DEC. 12, 1908.

DIVISION XXV.

Serial No. 234,715, Paper No. 13.

UNITED STATES PATENT OFFICE.

In the Matter of Application of S. J. DUNKLEY, for
Patent for Machines for Peeling Fruit.

Filed Nov. 29, 1904. Serial No. 234,715.

Division No. 25. Room No. 315.

Date of last Office letter Dec. 21, 1907.

Commissioner of Patents,
Washington, D. C.

Dear Sir:

I desire to amend:

Figs. 1a, 2 and 2a, by adding the arrows indicating the direction of motion of conveyor D;

Fig. 3, by adding arrows indicating the direction of motion of the conveyor brush H;

Fig. 8, by adding the reference character B';

Claim 1, line 6, by inserting before the word "during" the words with a peeling jet;

Claim 2, line 6, by cancelling the word "rubbers" and substituting therefor brushes;

By cancelling claim 4;

Claim 5, line 6, by inserting after the word "peaches" the words: with peeling jets;

Claim 8, line 5, }
Claim 9, line 5, } By inserting after the word "peaches" the words: with peeling jets;

By cancelling claims 15, 16, 19, 29;

Claim 27, line 9, by inserting after the word "peaches" the words: with peeling jets;

Claim 28, line 6, by inserting after the word "means" the words: directing peeling jets of water;

Claim 32, line 10, by inserting after the word "devices" the words: to deliver peeling jets;

By renumbering the claims and adding the following:

P'
per
G

1- 29----In an apparatus for removing previously disintegrat-
2- ed skin from fruit, the combination of a device having
3- means for supporting, shaking and advancing the fruit, and
4- a water pipe extending in the direction of the travel of the
5- fruit and having cross-wise slits at intervals adapted to
6- direct peeling water jets upon the fruit in planes trans-
7- versely of its travel.

29

1- 30----In an apparatus of the character described, means
2- for removing previously disintegrated skin from fruit in-
3- cluding a support for the fruit, means for operating the
4- support to cause the fruit to shake thereon, and means for
5- directing water in fan-like peeling jets upon said fruit.

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1- 31----In an apparatus of the character described, means for
2- removing previously disintegrated skin from fruit includ-
3- ing a support for the fruit, means for operating the sup-
4- port to cause the fruit to advance over the surface thereof,
5- and means for directing water in fan-like peeling jets upon
6- the fruit in planes running transversely to the direction
7- of travel of the fruit over its support.

31

1- 32----In an apparatus for treating fruit such as peaches,
2- means for removing previously disintegrated skin from the
3- fruit, including a support for the fruit, means for effect-
4- ing a change of position of the fruit on said support, and
5- means for directing peeling water jets upon said fruit.

32

1- 33----In an apparatus for removing the previously disin-
2- tegrated skin from fruit, the combination with means for

3- supporting and advancing the fruit, of means for direct-
4- ing a peeling water jet upon said fruit as it advances.

33 1- 34----In an apparatus for removing the previously disinte-
2- grated skin from fruit, the combination with means for
3- supporting and advancing the fruit, of means for direct-
4- ing peeling jets of water at intervals upon said fruit as
5- it advances.

34 1- 35----In an apparatus for removing the previously disin-
2- tegrated skin from fruit, the combination with means for
3- supporting and advancing the fruit, of means for direct-
4- ing peeling jets of water at intervals upon said fruit
5- from above and below as it advances.

35 1- 36----In an apparatus for removing the previously disin-
2- tegrated skin from fruit, the combination of means for
3- shaking said fruit, with means for directing a peeling
4- water jet upon the fruit while being shaken.
5-

36 6- 37----In an apparatus for removing the previously disin-
2- tegrated skin from fruit, the combination of means for
3- shaking said fruit, with means for directing peeling wat-
4- er jets upon the fruit from above and below while being
5- shaken.

37 1- 38----In an apparatus for removing the previously disinte-
2- grated skin from fruit, the combination of means for
3- shaking and advancing the fruit, with means for directing
4- peeling jets of water at intervals upon said fruit while
5- advancing and being shaken.

38 1- ~~38~~--In an apparatus for removing the previously disin-
 2- tegrated skin from fruit, the combination of means for
 3- shaking and advancing the fruit, with means for direct-
 4- ing peeling jets of water at intervals upon said fruit
 5- from above and below while advancing and being
 6- shanken.

It is believed that, when it is taken into considera-
 tion that the jets of water delivered by applicant's
 apparatus serves to assist in the peeling, and act as
 peeling jets, that the difference between this device
 and the devices cited in anticipation will clearly ap-
 pear.

An allowance of the claims, as amended, is respect-
 fully requested.

S. J. DUNKLEY.

By CHAPPELL & EARL,

Attorneys in Fact.

Kalamazoo, Michigan, December 8, 1908.

M. E. C.

Div. 25 Room 315

Address only

"The Commissioner of Patents,
Washington, D. C."
and not any official by name.

Paper No. 14

All communications respecting this
application should give the serial
number, date of filing, title of inven-
tion, and name of the applicant.

JRS

2—260

DEPARTMENT OF THE INTERIOR.

UNITED STATES PATENT OFFICE?

WASHINGTON, D. C., January 16, 1909.

MAILED " " "

Samuel J. Dunkley,
c/o Chappell and Earl,
Kalamazoo, Mich.

Please find below a communication from the EX-
your
AMINER in charge of the application, of No. 234,715,
filed November 29, 1904, for Machines for Peeling
Fruit.

E. B. MOORE,
THOMAS EWING,
Commissioner of Patents.

Case as amended December 11, 1908, further con-
sidered.

Claim 2 stands objected to.

Claims 1, 15 and 22-28 inclusive, stand rejected
upon the grounds of record.

Page 6, line 5, should not E be E'? This shaking
device must be more clearly shown in combination
with the chute.

Claim 29, line 5, "crosswise slits" is neither shown
nor described in original drawing and specification,
and is hence objectionable as new matter.

Claim 30 is incomplete, including only shaking chute E' as a support for the fruit. Claims 30, 31, the specification and drawing fail to disclose the transverse and fan-like jets. These jets appear to extend longitudinally of the spray-pipes.

Claim 33, lines 3, 4, "means—support" is dense.

Claims 29–39 are rejected upon Barton or Baker, showing the structures set forth in these claims. As stated, whether a given jet is to wash or peel merely involves a change in degree of the pressure of the water, or it depends upon the condition of the fruit.

LEWIS B. WYNNE,
Examiner, Div. XXV.

JRS.

MAIL ROOM.

MAY 14, 1909.

U. S. PATENT OFFICE.

PATENT OFFICE.

MAY 15, 1909,

DIVISION XXV.

Serial No. 234,715, Paper No. 15.

UNITED STATES PATENT OFFICE.

In the Matter of Application of SAMUEL J. DUNKLEY, for a Patent for Machine for Peeling Fruit.

Filed November 29, 1904. Serial No. 234,715.

Division No. 25. Room No. 315.

Date of last Office letter January 16, 1909.

Commissioner of Patents,

Washington, D. C.,

Dear Sir:

I desire to amend:

Claim 2, line 6, by inserting before the words "acting destructively" the words: supporting said fruit and;

Claim 2, line 7, by inserting after the word "rubber" the words: at each side;

Claim 15, line 2, by inserting after the word "brush" the words for supporting and carrying the fruit.

A reconsideration of claims 22 to 28, inclusive, is requested.

I desire to amend:

By cancelling claim 29;

By renumbering the remaining claims.

Claims 30 to 39 of the last amendment will be found to be exactly copied from United States Letters Patent No. 864,944 of September 3, 1907, to H. A. Beekhuis. Claim 30 was 14 of that patent, 31-15, 32-16, 33-18, 34-19, 35-20, 36-21, 37-22, 38-23 and 39-24. It will be observed, therefore, that the patent office has allowed these claims, and it is hardly proper, after the Patent Office has allowed claims to refer to them as "dense." These claims were allowed and issued by the Patent Office in the Beekhuis patent. The patents to Barton and Baker were before the Office when these claims were allowed, and yet the patent to Baker, or the patent to Barton, neither is referred to in the progress of the Beekhuis case. They do not seem to be pertinent at all as references.

Claim 29 has been cancelled, because crosswise slits do not appear in the pipe which delivers the peeling jets. The other structures respond to the claims, and it is believed that the claims should be allowed for the purpose of an interference with Beekhuis.

This amendment is submitted after a conference with the principal Examiner in charge, who suggested that it would be desirable for applicant to bring this matter to this attention first.

All of which is respectfully submitted.

SAMUEL J. DUNKLEY.

By CHAPPELL & EARL,

Attorneys in Fact.

Kalamazoo, Michigan, May 12, 1909.

2-079.

INTERFERENCE.

Interference No. 30610.

Paper No. 16.

Name, Dunkley.

Serial No. 234,715.

Title _____.

Filed, _____.

Interference with Beekhuis.

DECISIONS OF

Primary Examiner, _____.

Ex'r of Interferences, Adverse.

Board, Priority to Dunkley.

Commissioner, favor of Beekhuis.

Court of Appeals, Priority to Dunkley.

Dated, _____.

Dated, Dec. 9/10.

Dated, June 12/11.

Dated, Feby 2/12

Jany 6/1913

REMARKS:

This should be placed in each application or patent involved in interference in addition to the interference letters by Primary Examiner.

MEC.

2-213

JHL.

Paper No. 17. [Interference]

Forwarded from Div. 25 to
Examiner Interferences.

July 9, 1909.

DEPARTMENT OF THE INTERIOR.

UNITED STATES PATENT OFFICE,

WASHINGTON, D. C. ———, 190—.

U. S. Patent Office,
Interference Division.

Jul. 13, 1909.

Mailed

Samuel J. Dunkley,
c/o Chappell and Earl,
Kalamazoo, Mich.

Please find below a copy of a communication from
your
the Examiner concerning the application No. 234,715,
filed Nov. 29, 1904, for Machines for Peeling Fruit.

Very respectfully,

E. B. MOORE,
Commissioner of Patents.

Room No. 315.

Address only The Commissioner of Patents, Wash-
ington, D. C.

30610.

Your

The case, above referred to, is adjudged to inter-
fere with others, hereafter specified, and the ques-
tion of priority will be determined in conformity
with the Rules.

The statement demanded by Rule 110 must be
sealed up and filed on or before the 23 day of AUG.

1909 190—, with the subject of the invention, and name of party filing it, indorsed on the envelope. The subject matter involved in the interference is

1. "In an apparatus of the character described, means for the removing previously disintegrated skin from fruit including a support for the fruit, means for operating the support to cause the fruit to shake thereon, and means for directing water in fan-like peeling jets upon said fruit.

2. "In an apparatus of the character described, means for removing previously disintegrated skin from fruit including a support for the fruit, means for operating the support to cause the fruit to advance over the surface thereof and means for directing water in fan-like peeling jets upon the fruit in planes running transversely to the direction of travel of the fruit over its support.

3. "In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit, including a support for the fruit, means for effecting a change of position of the fruit on said support, and means for directing peeling water jets upon said fruit.

4. "In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing a peeling water jet upon said fruit as it advances.

5. "In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of

means for directing peeling jets of water at intervals upon said fruit as it advances.

6. "In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing peeling jets of water at intervals upon said fruit from above and below as it advances.

7. "In an apparatus for removing the previously disintegrated skin from fruit, the combination of means for shaking said fruit, with means for directing a peeling water jet upon the fruit while being shaken.

8. "In an apparatus for removing the previously disintegrated skin from fruit, the combination of means for shaking said fruit, with means for directing peeling water jets upon the fruit from above and below while being shaken.

9. "In an apparatus for removing the previously disintegrated skin from fruit, the combination of means for shaking and advancing the fruit, with means for directing peeling jets of water at intervals upon said fruit while advancing and being shaken.

10. "In an apparatus for removing the previously disintegrated skin from fruit, the combination of means for shaking and advancing the fruit, with means for directing peeling jets of water at intervals upon said fruit from above and below while advancing and being shaken."

(a) The interference involves your application above identified and

(b) Patent No. 864,944, granted September 3, 1907, for Apparatus for Removing the Skin from Fruit, to Hermanus Albert Beekhuis, of Hanford, California, whose assignee is the California Fruit Canners' Association of San Francisco, California, whose attorney of record is Wm. F. Booth, of San Francisco, California, associate attorneys Bacon and Milans, of Washington, D. C.

(c) The relation of the counts of the interference to the claims of the respective parties is as follows:

Counts:	Dunkley:	Beekhuis:
1	29	14
2	30	15
3	31	16
4	32	18
5	33	19
6	34	20
7	35	21
8	36	22
9	37	23
10	38	24

Counts Compd.

J. H. L.

J. H. LIGHTFOOT,
Primary Examiner,
Division XXV.

(Copy sent assignee.)

MAIL ROOM.

FEB. 3, 1913. Serial No. 234,715, Paper No. 18.

U. S. PATENT OFFICE.

UNITED STATES PATENT OFFICE.

In the Matter of Application of SAMUEL J.
DUNKLEY, for a Patent for Machine for
Peeling Fruit.

Filed Nov. 29th, 1904, Serial No. 234,715.

Division No. 25. Room No. 315.

Commissioner of Patents,
Washington, D. C.

Dear Sir:

Herewith is submitted supplemental oath and amendment in the above-entitled application. As to the claims, the first eighteen are based substantially on the original claims filed and recite a "peach peeling machine," as did the original claims.

Claims 19, 20, 21 and 22 are the issues of the interference recently decided. Claims 23 and 24 recite in broad language a "peeling machine," bringing out the broadest interpretation that applicant feels he is entitled to for his invention. Claims 25 and 26 limit the structure to a "peach peeling machine" and in other particulars are the same as claims 23 and 24. The claims, with the exception of claims 25 and 26, are precisely as discussed with the principal Examiner.

SAMUEL J. DUNKLEY.

By CHAPPELL & EARL,

Attorneys-in-Fact.

Kalamazoo, Michigan, February 6th, 1913.

MAIL ROOM.

FEB. 8, 1913.

U. S. PATENT OFFICE.

UNITED STATES PATENT OFFICE.

In the Matter of Application of SAMUEL J.
DUNKLEY, for a Patent for Machines for
Peeling Fruit.

Filed Nov. 29, 1904. Serial No. 234,715.

Division No. 25. Room No. 315.

Date of last Office letter.

Commissioner of Patents,
Washington, D. C.

Dear Sir:

I desire to amend:

H Page 2, line 2, by inserting after "fruit" the words, or vege-
bles ;
line 5, by inserting after "fruit" the words, -
or vegetables ;
line 7, by inserting after "fruit" the words, -
or the like.

Page 3, line 21, cancel "salt" and substitute material.

Page 5, line 21, by inserting before "The" the words, -

H' In practice for firm meated fruit or vegetables the
use of fiber brushes for the entire length has been
found highly satisfactory and is the most economical.

24
line 25, insert and the like after "peaches".

H Page 6, line 7, before "The" the words, - This shaking means
is not needed for round fruit or vegetables .

Page 6, by adding at the bottom thereof the following:-

H2 "The water peeling means here shown are
available wherever the skin of the fruit or vegetable has been
suitably disintegrated or loosened. The particular alkaline
treatment is highly effective but I am sure that this may be
accomplished otherwise and clearly when the skin of fruit or
vegetable is disintegrated the spray means shown will do the
work of peeling the same.

I desire, therefore, to claim the means to remove
the disintegrated peel no matter how the disintegration is
accomplished.

I desire to claim the means specifically as a peach
peeling means, and also generally, the apparatus having been
designed especially for peaches and having been found applic-
able to other work without change.

My entire apparatus is especially designed to subject the skin of the peach or fruit or vegetable to the disintegrating solution or means for the briefest possible period that will accomplish the desired result."

I desire to further amend by canceling the claims and substituting the amended rewritten claims hereto attached.

SAMUEL J. DUNKLEY.

By CHAPPELL & EARL,

Attorneys-in-Fact.

Kalamazoo, Michigan, February 5th, 1913.

1. In a peach peeling machine, the combination with a tank or chamber for containing a fluid for softening and loosening the skins, of means which extend through the tank for subjecting the same to the action of said fluid for a uniform period of time, and a washing, spraying and brushing mechanism at the exit end of the tank for removing the softened and loosened skins, co-operating substantially as described.

2. In a peach peeling machine, the combination with a skin-softening and loosening device, of a washing, spraying and brushing device, co-operating substantially as specified.

3. In a peach peeling machine, the combination with means for softening and loosening the skins, with means for washing, spraying and brushing the peaches, and thus removing the skins, and means for automatically delivering the same from said skin-softening and loosening means to said washing and brushing means, substantially as specified.

4. In a peach peeling machine, the combination with means for softening and loosening the skins of same, with means for washing, spraying and brushing same and thus removing the skins, means for automatically delivering them from said skin-softening and loosening means to said washing and brushing means, and a hopper or chute for automatically delivering the peaches to said skin-softening and loosening means, substantially as specified.

5. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, and a group of perforated water pipes for spraying the peaches with water as they pass lengthwise of and between said pipes, substantially as specified.

6. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated waterpipes at the discharge end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyor arranged longitudinally of and between two of said pipes, substantially as specified.

7. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of per-

forated water pipes at the discharging end of said conveyor for spraying the fruit with water as it passes lengthwise of and between said pipes, and an endless conveyor brush arranged longitudinally of and between two of said pipes, substantially as specified.

8. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyor brush arranged longitudinally of and between two of said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, substantially as specified.

9. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyor brush arranged longitudinally of and between two of said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes,

said rotary cylindrical brushes having hollow perforated water pipe cores, substantially as specified.

10. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyor brush arranged longitudinally of and between two of said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, the brushing material of one of said cylindrical brushes being spirally disposed thereon to aid in turning the peaches, substantially as specified.

11. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyor brush arranged longitudinally of and between two of said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, with means for rotating said cylindrical brushes in opposite directions, substantially as specified.

12. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, means for delivering the peaches from said tank in a row or single file to said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, and means for rotating said cylindrical brushes in opposite directions and at different speeds, substantially as specified.

13. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyor brush arranged longitudinally of and between two of said pipes, rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, and means for rotating said cylindrical brushes in opposite directions and from each other, substantially as specified.

14. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor

passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, and a chute or hopper for automatically delivering the peaches to the tank conveyor, substantially as specified.

15. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, a chute or hopper for automatically delivering the peaches to the tank-conveyor, and a chute or device for automatically delivering the same from said tank-conveyor in a single file, line or row to and between said water pipes, substantially as specified.

16. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, and a screen under which the upper run of the conveyor passes for holding the peaches immersed in the

liquid as they are carried through the same by the conveyor, substantially as specified.

17. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, an endless conveyor brush arranged longitudinally of and between said pipes, rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, said rotary cylindrical brushes having hollow perforated water-pipe cores, said rotary cylindrical brushes having a fibrous brushing material for a portion of their length, and a rubber sponge brushing material for a portion of their length, substantially as specified.

18. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyor passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyor for spraying the peaches with water as they pass lengthwise of and between said pipes, rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, and said rotary cylindrical

brushes having a fibrous brushing material, substantially as specified.

19. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit, including a support for the fruit, means for effecting a change of ~~changed~~ position of the fruit on said support, and means for directing peeling water jets upon said fruit.

20. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing a peeling water jet upon said fruit as it advances.

21. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing peeling jets of water at intervals upon said fruit as it advances.

22. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing peeling jets of water at intervals upon said fruit from above and below as it advances.

23. In a peeling machine for removing the previously disintegrated skin from fruit or vegetables, means for directing water sprays against the separate specimens thereof, and means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

24. In a peeling machine for removing the previously disintegrated skin from fruit or vegetables, means for directing the water sprays against the separate specimens thereof, and a support with means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

25. In a peach peeling machine for removing the previously disintegrated skin from fruit or vegetables, means for directing water sprays against the separate specimens thereof, and means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

26. In a peach peeling machine for removing the
per K. or

previously disintegrated skin from fruit of
vegetables, means for directing the water
sprays against the separate specimens thereof, and
a support with means for turning the said specimens
to present all parts thereof to the spray for the pur-
pose specified.

MAIL ROOM.

FEB. 3, 1913.

U. S. PATENT OFFICE.

UNITED STATES PATENT OFFICE,

Washington, D. C.

In Re Applicaiton of SAMUEL J. DUNKLEY, for
Machine for Peeling Fruit,

Filed Nov. 29th, 1904. Ser. No. 234,715.

State of Michigan,

County of Kalamazoo,—ss.

Samuel J. Dunkley, the above-named applicant,

being duly sworn, deposes and says that the subject-matter of the foregoing amendment was part of his invention, was invented before he filed his original application, above identified, for such invention, was not known or used before his invention, was not patented or described in a printed publication in any country more than two years before his application, was not patented in a foreign country on an application filed more than twelve months before his application, was not in public use or on sale in this country for more than two years before the date of his application, and has not been abandoned.

SAMUEL J. DUNKLEY,

Subscribed and sworn to before me this 6th day of February, 1913.

[Seal]

EVALYN ROE,

Notary Public in and for said County and State.

My commission expires July 30, 1914.

Serial No. 234,715, Paper No. 19.

MAIL ROOM.

JUN. 1, 1914.

U. S. PATENT OFFICE.

PATENT OFFICE,

JUN. 2, 1914.

DIVISION XXV.

UNITED STATES PATENT OFFICE.

In the Matter of Application of SAMUEL J.
DUNKLEY, for a Patent for Machine for
Peeling Fruit.

Filed Nov. 29, 1904. Serial No. 234,715.

Division No. 25. Room No. 315.

Date of last Office letter.

Commissioner of Patents,

Washington, D. C.,

Dear Sir:

I desire to amend as follows:

Page 2, line 11, after "softening" insert .disintegrating.

Line 15, cancel "and" first occurrence and substitute
.disintegrating or .

Page 3, line 18, cancel "and" and insert .disintegrating..

Line 22, cancel "and" and substitute a comma (,).

Same line, after "loosening" insert or disintegrating.

Line 24, cancel "and" and substitute a comma (,)

Same line after "loosening" insert or disintegrating.

Line 28, cancel "and" and substitute a comma (,) and
after "loosening" insert or disintegrating.

Page 4, line 5, change "softening" to disintegrating.

Line 14, cancel "and" and insert a comma (,), and after
"loosening" insert or disintegrating.

Line 23, cancel "and", second occurrence, and substitute
a comma (,).

Line 24, before "or" insert .disintegrated.

Line 26, cancel "softening" and insert disintegrating.

Page 5, line 19, change "to" to the.

Line 29, cancel "soften" and insert disintegrate.

Claim 19, line 4, change "changed" to change of.

Add the following claims:

I'

- 1- 27. The process of peeling fruit and vegetables
- 2- consisting in subjecting the specimens thereof to
- 3- the action of an alkaline solution for a uniform
- 4- period of time to loosen and disintegrate the skins,
- 5- advancing said specimens, rotating, brushing, and
- 6- directing peeling water jets upon said specimens
- 7- as they advance, substantially as specified.

per J

- 1- 28. The process of peeling fruits and vegetables
- 2- consisting in subjecting the specimens thereof to
- 3- the action of a skin loosening and disintegrating
- 4- solution for a uniform period of time, advancing
- 5- said specimens, rotating, brushing, and directing
- 6- peeling water jets upon said specimens, substantially
- 7- as specified.

- 1- 29. The process of peeling fruits and vegetables,
- 2- consisting in loosening and disintegrating the
- 3- skins of the specimens thereof, advancing said speci-
- 4- mens, rotating, brushing, and directing peeling water
- 5- jets upon said specimens as they advance, substantially.
- 6- as specified.

- 1- 30. The process of peeling fruits and vegetables,
- 2- consisting in disintegrating and loosening the skins
- 3- of the specimens thereof, advancing said specimens,
- 4- rotating and directing peeling water jets upon said
- 5- specimens as they advance, substantially as specified.

1- 31. The process of peeling fruits and vegetables,
2- consisting in loosening and disintegrating the
3- skins of the specimens thereof, advancing said
4- specimens, and directing peeling water jets upon
5- said specimens as they advance, substantially as
6- specified.

1- 32. The process of peeling fruits and vegetables,
2- consisting in loosening and disintegrating the
3- skins of the specimens thereof, and directing
4- peeling water jets against the entire surface of
5- said specimens to remove the previously disintegrated
6- skin, substantially as specified.

1- 33. The process herein described of peeling fruits
2- and vegetables which process consists in subjecting
3- the fruit or vegetable to a bath of disintegrating
4- solution for the purpose of loosening the skin thereof;
5- and then passing the fruit into the range of action
6- of hydraulic sprays of sufficient force to remove the
7- loosened skin.

1- 34. The process herein described of peeling fruits
2- and vegetables which process consists in subjecting
3- the fruit or vegetable to the action of a disin-
4- tegrating solution having the capacity to loosen
5- and disintegrate the skin thereof, and then subject-
6- ing the fruit or vegetable so treated to the action
7- of fluid sprays and substantially coördinately therewith
8- imparting motion to the fruit or vegetable.

REMARKS: The above amendment has been made after a careful review of the case in order to place it completely in condition for allowance. The specification has been amended in several instances to make the description clearer, chiefly by inserting the word "disintegrating" as describing the skin loosening solution or bath.

Claim 19 has been amended so as to make it identical with the corresponding issue of the interference. It was found that in copying this claim to present a clean copy a mistake was inadvertently made so that the claim as it stood in the last amendment was not identical with the corresponding issue of the interference.

Claims 27 to 34 inclusive are process claims which it is desired to present for consideration in this case.

Attorneys for applicant received a wire from the Commissioner of Patents on May 25, 1914, reading as follows:

"No further steps in public use proceeding in Dunkley case will be taken by me.

(Signed) THOMAS EWING,
Commissioner."

In view of this wire we assume that the case has been remanded to the Primary Examiner for further consideration preparatory to allowance. We believe that under Rule 63 of the Rules of Practice this application has preference over other business as a "Case remanded by an appellant tribunal for further action," and we present this amendment to place the case completely in condition for allowance

and issue. A supplemental oath by the applicant, duly executed is attached hereto.

Kalamazoo, Mich., May 29, 1914.

SAMUEL J. DUNKLEY,
By CHAPPELL & EARL,
Attorneys in Fact.

MAIL ROOM.

JUN. 1, 1914.

U. S. PATENT OFFICE.

UNITED STATES PATENT OFFICE,

Washington, D. C.

In Re Application of SAMUEL J. DUNKLEY, for
Machine for Peeling Fruit,

Filed Nov. 29th, 1904. Ser. No. 234,715.

State of Michigan,

County of Kalamazoo,—ss.

Samuel J. Dunkley, the above-named applicant, being duly sworn, deposes and says that the subject-matter of the foregoing amendment was part of his invention, was invented before he filed his original application, above identified, for such invention, was not known or used before his invention, was not patented or described in a printed publication in any country more than two years before his application, was not patented in a foreign country on an application filed more than twelve months before his application, was not in public use or on sale in this country for more than two years before the date of his application, and has not been abandoned.

SAMUEL J. DUNKLEY.

Subscribed and sworn to before me this 29th day of
May, 1914.

[Seal]

EVALYN ROE,

Notary Public in and for said County and State.

My commission expires July 30, 1914.

2-260.

FED/JHL

Div. 25 Room 315

Address only

"The Commissioner of Patents,
Washington, D. C."
and not any official by name.

Paper No. 20

All communications respecting this
application should give the serial
number, date of filing, title of inven-
tion, and name of applicant.

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,

Washington, June 4, 1914.

Mailed " " "

CHAPPELL & EARL,
Kalamazoo, Mich.

Please find below a communication from the
EXAMINER in charge of the application of Samuel
J. Dunkley, Ser. No. 234,715, filed Nov. 29, 1914, for
Machines for Peeling Fruit.

THOMAS EWING,
Commissioner of Patents.

This action is in response to the amendment filed
the 1st inst.

It is to be noted that claims 27 to 34 presented by
this amendment are directed to the process of peel-
ing fruit and vegetables, whereas the claims that
have been prosecuted to a final issue during the
past ten years are directed to a peach peeling ma-
chine.

Having elected to prosecute to a final issue the claims for the machine, it is held that applicant is not entitled to prosecute claims in this case for the process of peeling fruit, which process constitutes a subject-matter of invention distinct and different from that involving claims for the machine, it being quite obvious that machines other than applicant's specific machine may be utilized in carrying out the process claimed.

Applicant is required to cancel claims for the process as presented in the above noted application.

J. H. LIGHTFOOT,
Examiner, Div. 25.

Serial No. 234,715, Paper No. 21.

MAIL ROOM.

JUN. 8, 1914.

U. S. PATENT OFFICE.

PATENT OFFICE,

JUN. 9, 1914.

DIVISION XXV.

UNITED STATES PATENT OFFICE.

In the Matter of Application of SAMUEL J.
DUNKLEY, for a Patent for Machine for
Peeling Fruit.

Filed Nov. 29, 1904. Serial No. 234,715.

Division No. 25. Room No. 315.

Date of last Office letter, June 4, 1914.

Commissioner of Patents,
Washington, D. C.

Dear Sir:

I desire to amend as follows:

Cancel claims 27 to 34, inclusive.

Remarks: Claims 27 to 34 are cancelled in response to the requirement for division, said cancellation being without prejudice and subject to the right of applicant to present these claims to the process under a divisional application.

SAMUEL J. DUNKLEY,
By CHAPPELL & EARL,
Attorneys in Fact.

Kalamazoo, Mich., June 6, 1914.

2—181

Serial No. 234,715.

ADDRESS ONLY
THE COMMISSIONER OF PATENTS,
WASHINGTON, D. C.
DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,

Washington, June 16, 1914.

Samuel J. Dunkley,

Sir: Your APPLICATION for a patent for an IMPROVEMENT in Machine for Peeling Peaches and Other Fruit filed Nov. 29, 1904, has been examined and ALLOWED.

The final fee, TWENTY DOLLARS, must be paid not later than SIX MONTHS from the date of this present notice of allowance. If the final fee be not paid within that period, the patent on this application will be withheld, unless renewed with an additional fee of \$15, under the provisions of Section 4897, Revised Statutes.

The office delivers patents upon the day of their date, and on which their term begins to run. The printing, photolithographing, and engrossing of the several patent parts, preparatory to final signing and sealing, will require about four weeks, and such work will not be undertaken until after payment of the necessary fee.

When you send the final fee you will also send, **DISTINCTLY AND PLAINLY WRITTEN**, the name of the **INVENTOR**, **TITLE OF INVENTION**, **AND SERIAL NUMBER AS ABOVE GIVEN**, **DATE OF ALLOWANCE** (which is the date of this circular), **DATE OF FILING**, and, if assigned, the **NAMES OF THE ASSIGNEES**.

If you desire to have the patent issue to **ASSIGNEES**, an assignment containing a **REQUEST** to that effect, together with the **FEE** for recording the same, must be filed in this office on or before the date of payment of final fee.

After issue of the patent uncertified copies of the drawings and specifications may be purchased at the price of **FIVE CENTS EACH**. The money should accompany the order. Postage stamps will not be received.

Final fees will **NOT** be received from other than the applicant, his assignee or attorney, or a party in interest as shown by the records of the Patent Office.

Respectfully,

THOMAS EWING,

Commissioner of Patents.

CHAPPELL & EARL,

Kalamazoo, Michigan.

[In margin:] IN REMITTING THE FINAL
FEE GIVE THE SERIAL NUMBER AT THE
HEAD OF THIS NOTICE.

UNCERTIFIED CHECKS WILL NOT BE AC-
CEPTED.

\$20 RECEIVED.

Ck. JUN. 22, 1914. C.

CHIEF CLERK U. S. PATENT OFFICE.

June 20, 1914.

Commissioner of Patents,
Washington, D. C.

Dear Sir: Enclosed is \$20.00 in payment of the
final fee in the matter of the application of

Samuel J. Dunkley.

for a patent for Machine for peeling peaches and
other fruit.

The said application was filed Nov. 29, 1904, and
was allowed June 16, 1914.

Serial No. 234,715.

Kindly issue the patent at your convenience.

Yours respectfully,

CHAPPELL & EARL.

#22

2-254.

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,

Washington, D. C., July 11, 1914.

In compliance with the provisions of order No.
1718, dated June 8, 1907, and which reads as follows:

It is hereby ordered that, except by formal amendment duly signed or as hereinafter provided, no corrections, erasures, or interlineations be made in the body or written portions of the specification or of any other paper filed in an application for patent.

Obvious informalities in the wording of the specification may be corrected by the examiner, but said correction must be in the form of an amendment, approved by the Principal Examiner in writing, placed in the file, and made a part of the record. The changes specified in the amendment will be entered by the clerk in the regular way.

It is directed that no other changes be made by any person in any record of this office without the written approval of the commissioner of Patents.

Attorneys, employees of the Patent Office, and all others will be held to strict accountability for any violation of this order.

E. B. MOORE,
Commissioner.

The following changes are made in—

Application Serial No. 234,715 of Samuel J. Dunkley.

K. Claim 26 1, 2, change “of”
to *or*.

J. H. LIGHTFOOT,
Examiner, Division 25.

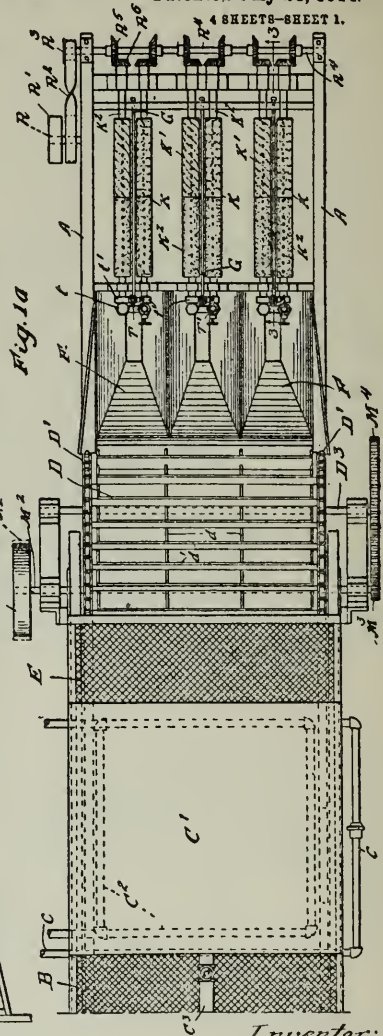
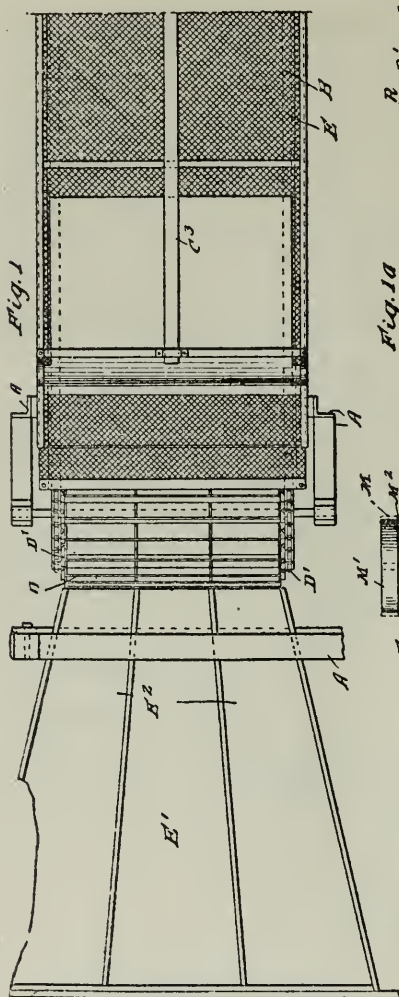
S. J. DUNKLEY.

MACHINE FOR PEELING PEACHES AND OTHER FRUIT.

APPLICATION FILED NOV. 29, 1904.

1,104,175.

Patented July 21, 1914.



Witnesses:

Wm. Geiger
A. W. Lundberg

Inventor:
Samuel J. Dunkley

By *Wendell, Pratt & Aleson*

Attorneys

S. J. DUNKLEY.

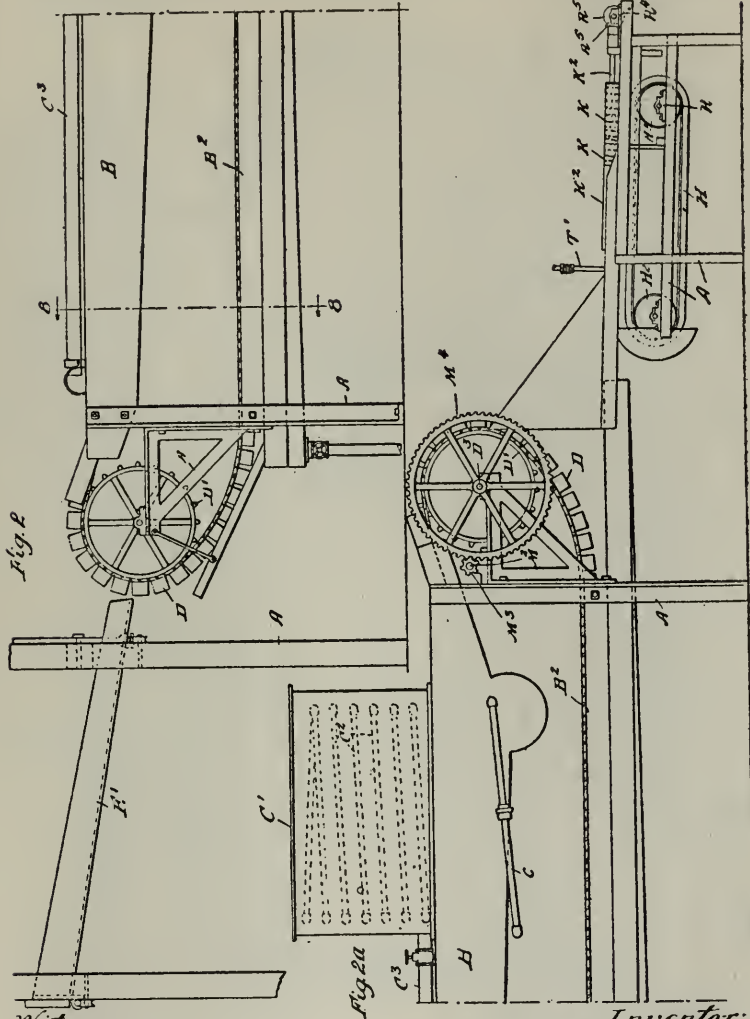
MACHINE FOR PEELING PEACHES AND OTHER FRUIT.

APPLICATION FILED NOV. 29, 1904.

Patented July 21, 1914.

1,104,175.

4 SHEETS-SHEET 2.



Witnesses:

Wm. Geiger.
H W Munday.

A. W. Munday.

Inventor:

Samuel J. Dunkley

By Monday, Evans & Alcock.


Attorneys

UNITED STATES PATENT OFFICE.

SAMUEL J. DUNKLEY, OF KALAMAZOO, MICHIGAN, ASSIGNOR, BY MESNE ASSIGNMENTS, TO DUNKLEY COMPANY, OF KALAMAZOO, MICHIGAN, A CORPORATION OF MICHIGAN.

MACHINE FOR PEELING PEACHES AND OTHER FRUIT.

1,104,175.

Specification of Letters Patent.  Patented July 21, 1914.

Application filed November 29, 1904. Serial No. 234,715.

To all whom it may concern:

Be it known that I, SAMUEL J. DUNKLEY, a citizen of the United States, residing in Kalamazoo, in the county of Kalamazoo and State of Michigan, have invented a new and useful Improvement in Machines for Peeling Peaches and other Fruit, of which the following is a specification.

My invention relates to machines for peeling peaches, or other fruit or vegetables.

The object of my invention is to provide a machine or apparatus of a simple, efficient and durable construction, by means of which peaches, or other fruit or vegetables, may be automatically peeled very rapidly and cheaply, and without injury to or mutilation of the fruit or the like, and by which also the skin or peel may be removed without waste of the pulp.

My invention consists in the means I employ to practically accomplish this object or result; that is to say it consists, in combination with a peel or skin softening, disintegrating or shriveling means or device, preferably consisting of a tank or chamber containing a heated fluid, and a heater for the same, a conveyer for automatically conveying the peaches through the skin softening, disintegrating or shriveling device and subjecting the peaches to its action for uniform and measured time, a chute or device for delivering the peaches in single file line to a brushing and washing mechanism, and a peach brushing and washing mechanism, preferably comprising a group of three long perforated pipes for spraying water upon the moving line of peaches, and subjecting them to a water brushing action, an endless belt brush arranged between the two lowermost perforated pipes and operating to brush the peaches as they are rotated and to convey them along, and a pair of oppositely rotating cylindrical brushes operating both to rotate and brush the peaches, and having hollow perforated pipe cores for spraying the rotary brushes with water, and rotary cylindrical rubber sponge brushes, also having hollow perforated pipe cores for supplying the same with water; whereby the peaches may be very rapidly and cheaply and perfectly peeled, without waste or injury.

My invention also consists in the novel construction of parts and devices and in the

novel combination of parts and devices herein shown or described.

In the accompanying drawing, forming a part of this specification, Figures 1 and 1^a, taken together, are a plan of a peach peeling machine embodying my invention; Figs. 2 and 2^a, taken together, a side view; Fig. 3 is a detail section on line 3—3 of Fig. 1^a; Fig. 4 is a detail plan view showing one set of brushing and washing devices; Fig. 5 is a cross section on line 5—5 of Fig. 3; Fig. 6 is a cross section on line 6—6 of Fig. 3; Fig. 7 is a detail longitudinal section through the tank, the conveyer being omitted, on line 7—7 of Fig. 8; Fig. 8 is a cross section on line 8—8 of Fig. 2; Fig. 9 is a detail elevation of the chute or hopper shaking mechanism.

In the drawing A represents the frame of the machine, B is a tank or chamber containing a heated fluid *b* for softening, disintegrating, loosening or shriveling the skin of the peaches as they are conveyed through the tank. The fluid *b* in the tank or chamber B is preferably a liquid, and composed of water with an alkaline material in solution.

C is a heater for heating the skin softening, loosening or disintegrating medium *b*, the heater preferably consisting of steam pipes or coils in the tank, and connected with a steam supply pipe *c*. The skin softening, loosening or disintegrating liquid is contained in a reservoir C¹, having a heater C², and is delivered to the tank B, as required, through a supply pipe C³.

D is a conveyer for conveying the peaches into, through and out of the skin softening, loosening or disintegrating liquid *b* in the tank B. This conveyer or carrier D is, preferably, an endless conveyer traveling on pulleys D¹ D¹, one at each end of the tank B, and provided with transverse webs *d* and longitudinal webs *d*, dividing the same into a series of buckets or receptacles, each adapted to hold several peaches, say six or eight, in a transverse row, and thus cause the conveyer D to automatically arrange the peaches in a single layer therein, and cause them to be uniformly subjected to the action of the skin disintegrating medium *b*.

The tank B is provided with guides or tracks B¹ B¹, for guiding and supporting the endless flexible conveyer D. The upper guide B¹ has a downward incline B² at the

entrance end of the tank, and an upward incline E^1 at the exit from the tank. E is an open screen, preferably of wire netting, secured to the tank A just above the path of the upper run of the endless peach conveyer D , to hold the peaches in the open buckets or pockets of the conveyer and prevent the same from floating to the top of the skin softening, loosening or disintegrating liquid.

E^1 is a feed chute or hopper having partitions E^2 into which the peaches are emptied in bulk, and by which they are fed or delivered to the endless conveyer D . As the endless conveyer D passes over or around the pulley or wheel D^1 at the exit end of the tank, the peaches are automatically delivered into the inclined and tapering chutes F , one for each longitudinal partition of the conveyer, and thus caused to feed or be delivered in single file between the water pipes and brushes of the washing and brushing mechanism by which the softened, loosened, disintegrated or shriveled skins of the peaches are removed, and the peaches thoroughly washed and freed from all taint or trace of the skin disintegrating or loosening liquid. This washing or brushing mechanism comprises a group of, preferably, three water pipes G , having a series of perforations g arranged to strike the peaches as they are conveyed along between the pipes, and thus to impart to the peaches a rotary movement. The washing and brushing mechanism further, preferably, comprises an endless belt brush H , traveling on pulleys H^1 H^2 between the two lowermost water pipes G , and by which the peaches are conveyed along in single file and simultaneously brushed as they are rotated. This washing and brushing mechanism further, preferably, comprises a pair of oppositely rotating cylindrical brushes K K^1 , each having a hollow perforated water pipe K^2 for flooding the brushes with water as they rotate. The bristles or brushing material k of the brushes K K^1 , may be of any suitable material, but preferably of vegetable fiber. The bristles or brushing material on the cylindrical brush K^1 are, preferably spirally disposed, and the two brushes K K^1 are rotated at different speeds to aid in turning or rotating the peaches as they are conveyed along between the brushes. For a portion of their length the rotary brushes K K^1 are preferably provided with soft rubber sponge brushing material k^2 , the back or base web k^3 of which is provided with perforations k^4 to flood the rubber sponge material with water from the pipe K^2 . If desired, this rubber sponge brushing material k^2 may be used for the entire length of the rotary brushes K K^1 , although I prefer to employ a bristle-like brushing material for a portion of the length of these rotary brushes.

In practice for firm meat fruit or vegetables the use of fiber brushes for the entire length has been found highly satisfactory and is the most economical. The perforated water pipes G G , preferably extend beyond the rotary brushes K K^1 , so that the water spray may entirely free the surface of the peaches and discharge from any particles of skin or peel.

The required movements may be imparted to the several moving parts of my machine by any suitable means or mechanism. The endless conveyer D is preferably driven continuously and at a slow speed, timed to subject the peaches to the action of the hot liquid b just for the time required to disintegrate and loosen the peel of the peach, without softening or cooking the pulp beneath the skin to an appreciable depth or extent, by means of a belt M and driving pulley M^1 on the driving shaft M^2 and gears M^3 M^4 , the gear M^3 being on the shaft D^2 of the conveyer sprocket wheels.

The peach feed chute or hopper E is given a horizontal shaking or vibratory movement from the shaft N through the crank N^1 , pitman N^2 and lever N^3 . This shaking means is not needed for round fruit or vegetables. The several endless belt brushes H are driven continuously from the driving shaft R through the pulley R^1 , the pulleys G^1 of the belt brushes at one end being on the shaft R .

Continuous rotary motion is communicated to the rotary brushes, K^1 K^1 from the driving shaft R through a twisted belt R^2 and pulley R^3 on the shaft R^4 , having beveled gears R^5 meshing with the bevel gears R^6 on the hollow water pipe shafts K^2 of the rotary brushes. Water under pressure is supplied to the hollow shafts of the several rotary brushes from the supply pipe T , having branches t leading to each of the rotary brushes and connected to its hollow core or shaft by stuffing boxes t^1 . The water supply pipe T^1 also has branches t^2 leading to the perforated water pipes G .

The water peeling means here shown are available wherever the skin of the fruit or vegetable has been suitably disintegrated or loosened. The particular alkaline treatment is highly effective but I am sure that this may be accomplished otherwise and clearly when the skin of fruit or vegetable is disintegrated the spray means shown will do the work of peeling the same. I desire, therefore, to claim the means to remove the disintegrated peel no matter how the disintegration is accomplished. I desire to claim the means specifically as a peach peeling means, and also generally, the apparatus having been designed especially for peaches and having been found applicable to other work without change.

My entire apparatus is especially designed

to subject the skin of the peach or fruit or vegetable to the disintegrating solution or means for the briefest possible period that will accomplish the desired result.

5 I claim:

1. In a peach peeling machine, the combination with a tank or chamber for containing a fluid for softening and loosening the skins, of means which extend through
10 the tank for subjecting the same to the action of said fluid for a uniform period of time, and a washing, spraying and brushing mechanism at the exit end of the tank for removing the softened and loosened skins,
15 cooperating substantially as described.

2. In a peach peeling machine, the combination with a skin-softening and loosening device, of a washing, spraying and brushing
20 device, cooperating substantially as specified.

3. In a peach peeling machine, the combination with means for softening and loosening the skins, with means for washing, spraying and brushing the peaches, and thus
25 removing the skins, and means for automatically delivering the same from said skin-softening and loosening means to said washing and brushing means, substantially as specified.

4. In a peach peeling machine, the combination with means for softening and loosening the skins of same, with means for washing, spraying and brushing same and thus
30 removing the skins, means for automatically delivering them from said skin-softening and loosening means to said washing and brushing means, and a hopper or chute for automatically delivering the
35 peaches to said skin-softening and loosening means, substantially as specified.

5. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater
40 therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, and a group of perforated water pipes for spraying the peaches
45 with water as they pass lengthwise of and between said pipes, substantially as specified.

6. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater
50 therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated waterpipes at the discharge end of said conveyer for spraying the peaches with
55 water as they pass lengthwise of and between said pipes, and an endless conveyer arranged longitudinally of and between two
60 of said pipes, substantially as specified.

7. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater
65 therefor, a conveyer passing through the

tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the fruit with water
70 as it passes lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and between two of said pipes, substantially as specified.

8. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater
75 therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end
80 of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and
85 between two of said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, substantially as specified.

9. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater
90 therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said
95 conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and
100 between two of said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, substantially
105 as specified.

10. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater
110 therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with
115 water as they pass lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and between two of said pipes, and rotary cylindrical brushes
120 for brushing and turning the peaches as they pass between said water pipes, the brushing material of one of said cylindrical brushes being spirally disposed thereon to aid in turning the peaches, substantially as specified.

11. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater
125 therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said
130

1,104,175

conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and between two of said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes with means for rotating said cylindrical brushes in opposite directions, substantially as specified.

12. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, means for delivering the peaches from said tank in a row or single file to said pipes, and rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, and means for rotating said cylindrical brushes in opposite directions and at different speeds, substantially as specified.

13. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and an endless conveyer brush arranged longitudinally of and between two of said pipes, rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, and means for rotating said cylindrical brushes in opposite directions and from each other, substantially as specified.

14. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and a chute or hopper for automatically delivering the peaches to the tank conveyer, substantially as specified.

15. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and be-

tween said pipes, a chute or hopper for automatically delivering the peaches to the tank conveyer, and a chute or device for automatically delivering the same from said tank-conveyer in a single file, line or row to and between said water pipes, substantially as specified.

16. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, and a screen under which the upper run of the conveyer passes for holding the peaches immersed in the liquid as they are carried through the same by the conveyer, substantially as specified.

17. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, an endless conveyer brush arranged longitudinally of and between said pipes, rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, said rotary cylindrical brushes having a fibrous brushing material for a portion of their length, and a rubber sponge brushing material for a portion of their length, substantially as specified.

18. In a peach peeling machine, the combination with a tank for containing a skin-softening and loosening liquid, of a heater therefor, a conveyer passing through the tank for conveying the peaches into, through and out of said liquid, a group of perforated water pipes at the discharging end of said conveyer for spraying the peaches with water as they pass lengthwise of and between said pipes, rotary cylindrical brushes for brushing and turning the peaches as they pass between said water pipes, said rotary cylindrical brushes having hollow perforated water pipe cores, and said rotary cylindrical brushes having a fibrous brushing material, substantially as specified.

19. In an apparatus for treating fruit such as peaches, means for removing previously disintegrated skin from the fruit, including a support for the fruit, means for effecting a change of position of the fruit on said support, and means for directing peeling water jets upon said fruit.

20. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and advancing the fruit, of means for directing
5 a peeling water jet upon said fruit as it advances.

21. In an apparatus for removing the previously disintegrated skin from fruit, the combination with means for supporting and
15 advancing the fruit, of means for directing peeling jets of water at intervals upon said fruit as it advances.

22. In an apparatus for removing the previously disintegrated skin from fruit, the
15 combination with means for supporting and advancing the fruit, of means for directing peeling jets of water at intervals upon said fruit from above and below as it advances.

23. In a peeling machine for removing
20 the previously disintegrated skin from fruit or vegetables, means for directing water sprays against the separate specimens thereof, and means for turning the said specimens to present all parts thereof to the spray
25 for the purpose specified.

24. In a peeling machine for removing

the previously disintegrated skin from fruit or vegetables, means for directing the water sprays against the separate specimens thereof, and a support with means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

25. In a peach peeling machine for removing the previously disintegrated skin
35 from fruit or vegetables, means for directing water sprays against the separate specimens thereof, and means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

26. In a peach peeling machine for removing the previously disintegrated skin from fruit or vegetables, means for directing the water sprays against the separate
45 specimens thereof, and a support with means for turning the said specimens to present all parts thereof to the spray for the purpose specified.

SAMUEL J. DUNKLEY

Witnesses:

H. M. MUNDAY,
EDMUND ADCOCK.

Copies of this patent may be obtained for five cents each, by addressing the "Commissioner of Patents Washington, D. C."

146. VEGETABLE CUTTERS &
CRUSHERS Peelers &
Washers.

1904.

CONTENTS:

Print July 7, 1909.

Application papers.

1. Rejection Dec. 20, 1904.
2. Amendment A, Apl. 13, 1905.
3. Rejection May 19, 1905.
4. Asso. Powr. and Amendt. B. Dec. 22, 1905.
5. Rej. Mar. 19, 1906.
6. Amend't C, Dec. 22, 1906.
7. Amend't D, Dec. 29, 1906.
8. Rejection Jan. 10, 1907.
9. Rev. & Power of Attorney Oct. 24, 1907.
10. Notice of Rev. & Accept Oct. 26/07.
11. Amend't E, Oct. 24, 1907.
12. Rejection Dec. 21, 1907.
13. Amend't F, Dec. 11, 1908.
14. Rej. Jan. 16, 1909.
15. Amend't G, May 14, 1909.
16. Intf. Mem.
17. " Letter JUL. 13, 1909.
18. Amend't H. Feb. 8, 1913.
19. Amend't I, June 1, 1914.
20. Letter Jan. 4/1914.
21. Amend't J, June 8, 1914.
22. Amend't K, July 11/14.

TITLE:

Improvement in Machine for Peeling Peaches and
other Fruit.

Claims allowed 26

(Class 146—14.)

[On reverse side:] 142,892/15.

M. M. A.

A. S. M.

S. J. DUNKLEY.

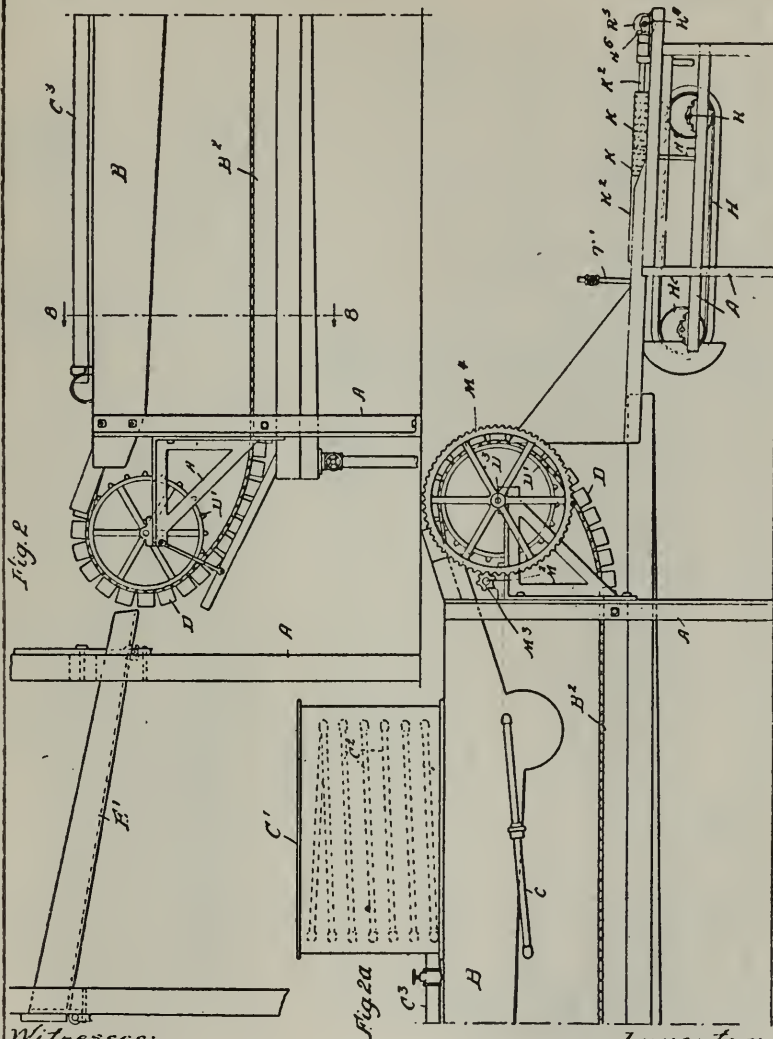
MACHINE FOR PEELING PEACHES AND OTHER FRUIT.

APPLICATION FILED NOV. 29, 1904.

1,104,175.

Patented July 21, 1914.

4 SHEETS-SHEET 2.



Witnesses:

Wm. Geiger
A. W. Munday

Inventor:
Samuel J. Dunkley

By Munday, Owen & Alcock,

Attorneys

S. J. DUNKLEY.

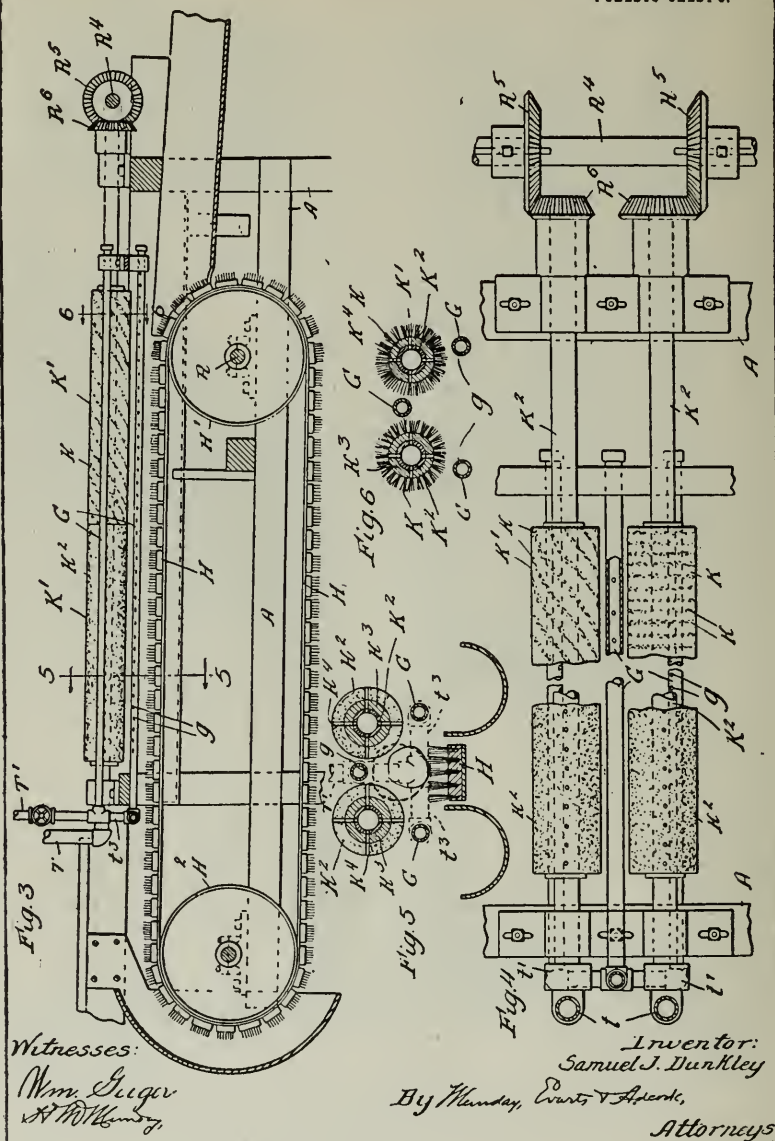
MACHINE FOR PEELING PEACHES AND OTHER FRUIT.

APPLICATION FILED NOV. 29, 1904.

Patented July 21, 1914.

4 SHEETS-SHEET 3.

1,104,175.

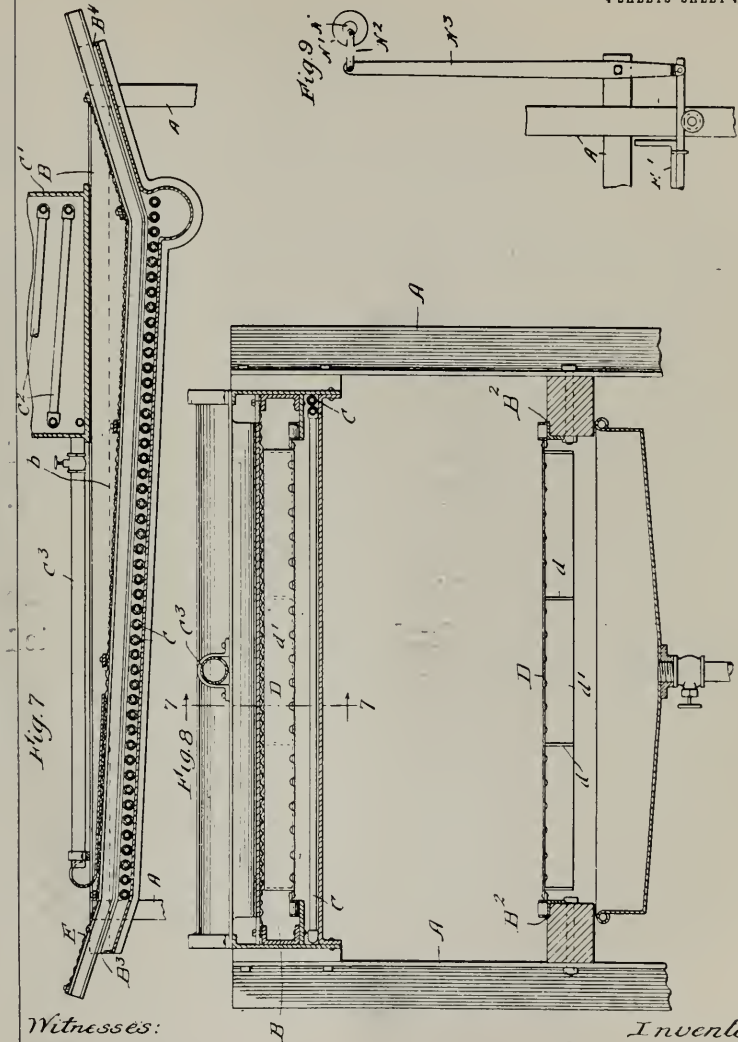


S. J. DUNKLEY.
MACHINE FOR PEELING PEACHES AND OTHER FRUIT.
APPLICATION FILED NOV. 29, 1904.

1,104,175.

Patented July 21, 1914

4 SHEETS-SHEET 4



Witnesses:

Wm. Geiger
Atty. at Law

Inventor:

Samuel J. Dunkley
By Munday, Co., & Adams.

Attorneys

[Endorsed]: No. 201. U. S. Court, Nor. Dist. of Cal. Dfts. Exhibit "B." Filed Mch. 28, '16. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "B." Filed Jan. 5, 1917. F. D. Monckton, Clerk.

Defendants' Exhibit "C."

UNITED STATES PATENT OFFICE.

IDA L. McDERMETT, OF BAIRD, TEXAS.

PREPARING FRUIT FOR CANNING AND PRESERVING.

SPECIFICATION forming part of Letters Patent No. 511,709, dated December 26, 1893.

Application filed May 6, 1893. Serial No. 473,294. (No specimens.)

To all whom it may concern:

Be it known that I, IDA L. McDERMETT, a citizen of the United States, residing at Baird, in the county of Callahan and State of Texas, have invented new and useful Improvements in Processes of Preparing Fruit for Canning and Preserving, of which the following is a specification.

This invention has for its object to provide a new process or method of removing the skin from peaches, pears, and other fruit, and placing the latter in good condition for preserving and various other purposes.

To accomplish this object my invention consists in subjecting the fruit, while being agitated, to the action of a boiling solution of potash and alum until the skin commences to break or peel, then removing the fruit and immediately, or while hot, dropping or introducing the fruit into a body of cold water, and subsequently rinsing in another body of water, wiping off with a cloth, and finally bathing in clear water to prevent the fruit from turning or becoming dark.

In carrying my invention into effect I prepare the solution by introducing one ounce of potash and one dram of alum into one gallon of water, and boil the latter until the potash and alum are dissolved; and into this boiling solution I place the peaches, pears, or other fruit, and subject all to agitation until the skin of the fruit commences to break or peel, when the fruit is removed through the medium of a perforated dipper, basket or strainer, and is dropped or introduced immediately, or while hot, into a body of cold water, which completes the removal of the skin, and removes a large portion of the solution

from the articles. The fruit is then removed from the cold water through the medium of a perforated dipper, basket or strainer and placed in another body of cold water, and after removal therefrom is wiped off with a cloth, and is finally introduced into clear water for the purpose of preventing the fruit from turning or becoming dark. This order of procedure is very effective in removing the skin from peaches, pears, and other fruit, and places the latter in good condition for preserving and various other purposes.

The proportions hereinbefore stated are merely given as an example of proportions which will be found satisfactory in use. I do not wish to be understood as confining myself to the exact proportions stated.

Having thus described my invention, what I claim is—

The process or method herein described of removing skin from fruit, which consists in subjecting the fruit, while being agitated, to the action of a boiling solution of potash and alum until the skin commences to break or peel, then removing the fruit and immediately, or while hot, introducing the same into cold water, and subsequently rinsing in another body of water, wiping off with a cloth, and finally bathing in a body of cold water to prevent the fruit from turning or becoming dark, substantially as set forth.

In testimony whereof I have hereunto set my hand in presence of two subscribing witnesses.

IDA L. McDERMETT.

Witnesses:

W. R. McDERMETT,

J. H. LEECH.

[Endorsed]: No. 201. U. S. Court, Nor. Dist. of Cal. Dfts. Exhibit "C." Filed Mch. 28, '16. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "C." Filed Jan. 5, 1917. F. D. Monckton, Clerk.

Defendants' Exhibit "D."

(No Model.)

2 Sheets—Sheet 1.

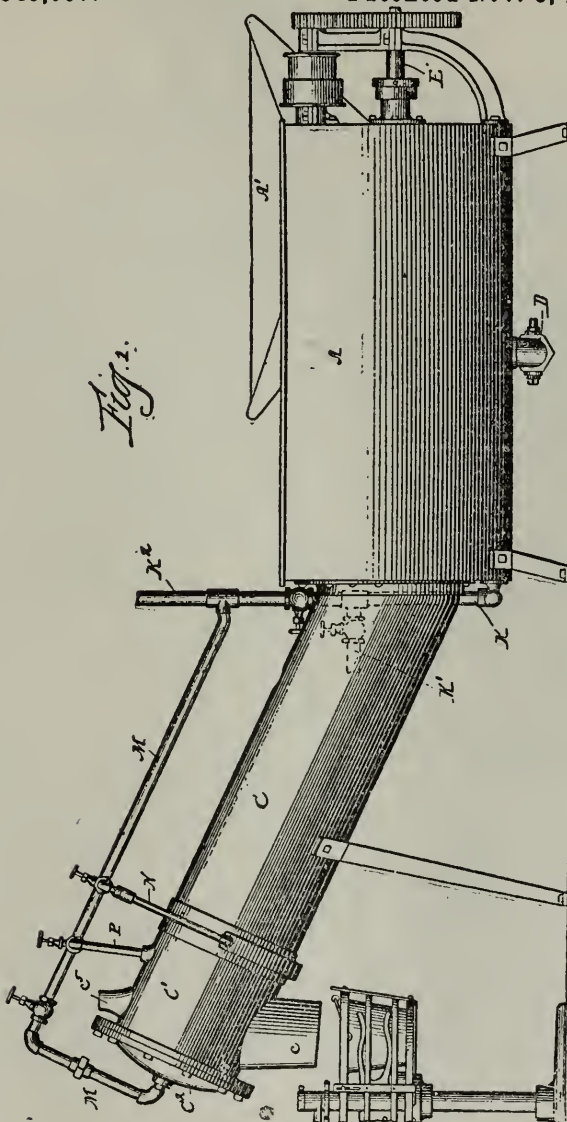
J. BAKER.

MACHINE FOR CLEANING AND SCALDING TOMATOES.

No. 549,097.

Patented Nov. 5, 1895.

Fig. 1.



Witnesses
Frederick C. C.
Alfred C. C.

Inventor John Baker
by Peter Fisher Atty.

(No Model.)

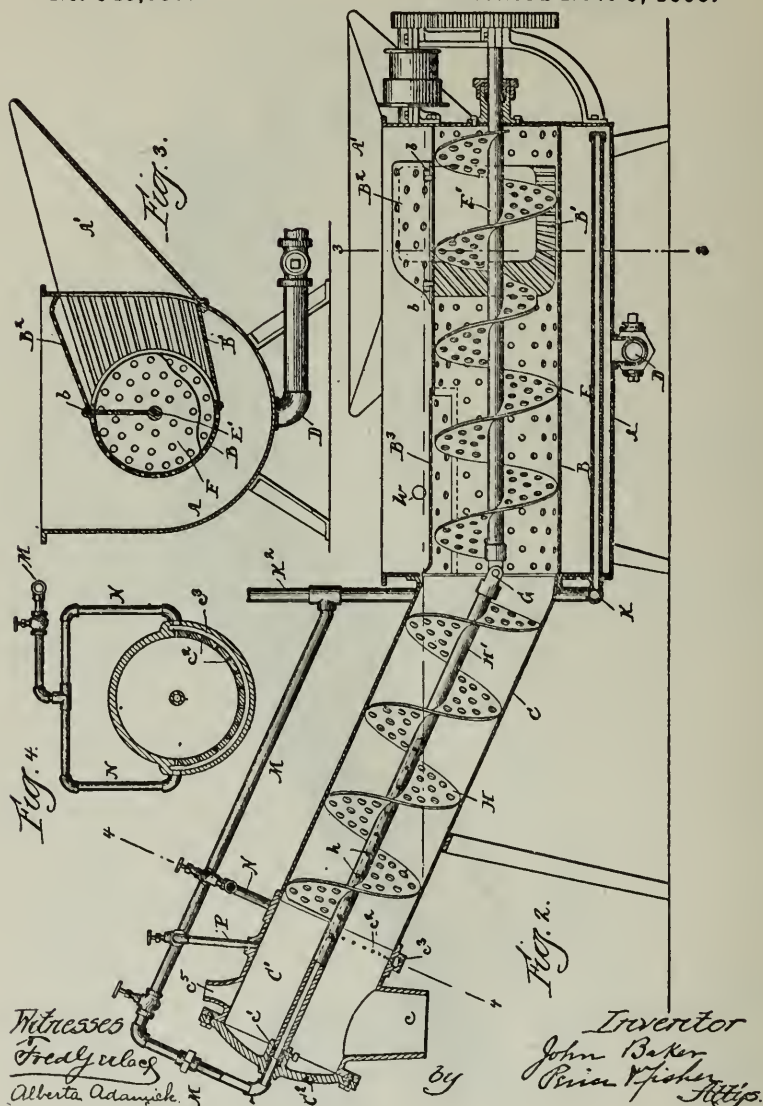
2 Sheets—Sheet 2.

J. BAKER.

MACHINE FOR CLEANING AND SCALDING TOMATOES.

No. 549,097.

Patented Nov. 5, 1895.



UNITED STATES PATENT OFFICE.

JOHN BAKER, OF MUSCATINE, IOWA.

MACHINE FOR CLEANING AND SCALDING TOMATOES.

SPECIFICATION forming part of Letters Patent No. 549,097, dated November 5, 1895.

Application filed May 3, 1895. Serial No. 547,996. (No model.)

To all whom it may concern:

Be it known that I, JOHN BAKER, a citizen of the United States, residing at Muscatine, Iowa, have invented certain new and useful
 5 Improvements in Machines for Cleaning and Scalding Tomatoes and the Like, of which I do declare the following to be a full, clear, and exact description, reference being had to the accompanying drawings, forming a part
 10 of this specification.

The present invention has for its object to provide an improved machine whereby tomatoes and other vegetables or fruits may be effectively cleaned and whereby the scalding
 15 of such vegetables or fruits may be effected, and this object I have accomplished by the improved apparatus hereinafter described, illustrated in the accompanying drawings, and particularly pointed out in the claims at
 20 the end of this specification.

Figure 1 is a perspective view of the machine embodying my invention. Fig. 2 is a view in central longitudinal vertical section through the machine shown in Fig. 1. Fig.
 25 3 is a view in transverse section on line 3 3 of Fig. 2. Fig. 4 is a view in transverse section on line 4 4 of Fig. 2.

A designates a main water-tight tank, within which is mounted a perforated trough or
 30 screen B for holding tomatoes or like articles to be cleaned. In one side of the trough or screen B is formed a delivery-opening that is connected by a suitable chute B' with a delivery-hopper A', that leads from a delivery-
 35 opening formed in one side of the tank A. The delivery-chute B' is shown as formed of a series of slats, although a plate of perforated metal might be employed, and the top of the chute or spout is preferably provided
 40 with a cover B², that is hinged at b to the top of the perforated trough or screen B.

The trough or screen B, while preferably formed of perforated metal, might be formed of any other suitable perforated or foraminous material, the purpose of this trough or screen
 45 being to hold the tomatoes or like articles submerged in the water within the tank A during the cleaning operation and at the same time permit the dirt that is removed from them to
 50 fall through the trough or screen B to the bottom of the tank.

In one end of the tank A an opening is

formed opposite the open end of the trough or screen B, and from such point extends an upwardly-inclined trunk C, the upper end C' 55 of which is provided upon its under side with the discharge-spout c.

The bottom of the tank A is furnished with a suitable discharge-pipe D, whereby the water, dirt, and the like can from time to time
 60 be withdrawn from the tank.

The upper part of the trough or screen B may be furnished with a removable cover B³, extending over more or less of the top, the removal of this cover permitting ready access
 65 to the interior of the trough or screen.

Through the trough or screen B extends a conveyer worm or screw E, mounted upon a shaft E' that is journaled, as shown, in a suitable bearing at one end of the machine and
 70 at its opposite end is connected by a tumbling-joint G with the shaft H' of a similar conveyer screw or worm H, that extends along the inclined trunk C. The upper end of the shaft H is journaled in a suitable bearing c' 75 of the cover C² of the trunk, this bearing c' being preferably formed as a hollow projection or boss on the inner face of the cover C². The outer end of the shaft E' of the worm E is provided with suitable gear mechanism, 80 whereby the revolution of the worms E and H may be effected, and by preference the plates of which these worms are formed will be of perforated metal.

The tank A has connected thereto a supply-pipe K, whereby water and steam will be admitted to the tank, the water being delivered to the pipe K by a branch pipe K'. (Shown by dotted lines in Fig. 1.) It is manifest, however, that any suitable means may
 85 be employed for supplying the tank with water and steam. The upper portion of the shaft H' of the worm H is hollow and for a part of its length is provided with perforations h to enable steam to be delivered into
 90 the trunk C, and with the hollow end of the shaft H' connects a steam-pipe M, that leads through perforations in the cover C². I provide the upper portion C' of the trunk C with a series of perforations c², through which steam
 100 will be admitted to the interior of the trunk, preferably from a channel c³, that is formed integral with the adjacent part of the trunk, this channel c³ receiving steam from suitable

branch pipes N, that are connected with the steam-pipe M, this steam-pipe M being united with the main pipe K². By preference, also, a supplemental branch pipe P will extend from the pipe M through the top of the upper end C' of the trunk, in order to deliver a jet of steam downward onto the tomatoes or like articles before they are discharged from the trunk. I prefer, also, to provide the upper portion of the trunk C with a vent-opening c² for the escape of steam from the trunk. In the preferred form of my invention, the upper portion C' of the trunk is formed separately from the body of the trunk C the object of this construction being to permit this upper part of the trunk to be more readily formed with the various openings therein.

From the foregoing description it will be seen that if the tank A be supplied with water to slightly above the top of the trough or screen B the water will stand within the trunk C to a short distance below the perforations c². If, now, tomatoes or the like be delivered through the hopper A' and chute B' into the trough or screen B and the conveyer-screws E and H be operated so as to advance the tomatoes along the trough or screen B and up the incline C, the agitation of the tomatoes within the trough or screen B, while they are held submerged beneath the liquid in the tank, will loosen the dirt from them and the perforations or openings in the trough B will permit this dirt to fall to the bottom of the tank A, from which it may from time to time be withdrawn. This feature of mechanically agitating the tomatoes while contained within a submerged screen or perforated trough is an important one, because, while it insures the thorough cleaning of the tomatoes, it allows the dirt to drop from the receptacle wherein they are contained. After the tomatoes leave the trough B they will be carried up the incline trunk C by the conveyer-worm H, and as this worm moves them above the water-line they will be exposed to the action of dry steam admitted through perforations c² through the perforations h in the shaft H' and through the branch pipe P, and will thereby be thoroughly scalded before their discharge through the spout c. It will be understood, of course, that suitable buckets or the like will be placed beneath the spout c, in order to receive the tomatoes as they are delivered therefrom. It will be seen, also, that not only will the tomatoes be thoroughly cleaned during their passage through the trough or screen B, but by the time they have been carried by the conveyer-worm H out of the water they are practically free from dirt or sand, and, consequently, when subjected to the action of the dry steam in order to loosen the skins, there is no danger of the dirt or sand getting into the body of the tomatoes, as is the case when the scalding is effected in the same bath in which the cleaning is done. I have shown the various steam-pipes as provided with suitable cocks, where-

by the steam-supply can be controlled; but the operation of these is so obvious that it does not require further description.

In the preferred embodiment of my invention I provide that part of the pipe K that extends into the tank A with a series of perforations, so as to more uniformly distribute the steam or hot water throughout the tank. In some instances, or when treating certain classes of vegetables or fruits, it may be preferred to scald the same by hot water alone, and when this is the case the steam will be turned off and hot water only will be admitted into the tank A through the pipe K. It will be understood, of course, that the tank A may be provided with an overflow-port W, from which a suitable overflow-pipe will lead. The steam-pipe P at the upper end of the inclined chute C serves not only to aid in scalding the tomatoes or like articles, but I found, also, that it serves to force backward the scum and in great measure prevents it from passing through the discharge-spout c.

It is manifest that the precise details of construction above described may be varied without departing from the spirit of my invention and that features of the invention may be employed without its adoption as an entirety.

Having thus described my invention, what I claim as new, and desire to secure by Letters Patent, is—

1. In apparatus of the character described, the combination with a water-tight tank, of a perforated trough or screen suspended therein, a water-tight trunk connected at its lower end to said perforated trough or screen and leading upwardly therefrom to a point above the water discharge line of said tank, conveyer mechanism for advancing the material through said trough or screen and through said trunk and means for injecting steam into the upper end of said trunk above the water line, substantially as described.

2. In apparatus of the character described, the combination with a water-tight tank, of a perforated trough or screen suspended therein, a conveyer worm for agitating and for advancing the articles to be cleaned through said perforated trough or screen, whereby said or the like is removed from said articles before they are discharged from said trough or screen, drive mechanism at the front end of said conveyer worm, a water-tight trunk connected to said trough or screen above the bottom of said tank and leading to a point above the water discharge line of said tank, a conveyer worm within said trunk, a journal bearing at the upper end of said trunk for the shaft of said worm and a tumbling joint connection at the lower end of said worm and uniting said worm with the conveyer worm in said trough or screen, substantially as described.

3. In apparatus of the character described, the combination with a water-tight tank, of a perforated trough or screen suspended in

said tank, suitable conveyer mechanism for
advancing the articles to be cleaned through
said perforated trough or screen and a water-
tight trunk connected at its lower end to said
5 perforated trough or screen and leading up-
wardly therefrom, the upper part of said
trunk being provided with the channel ^c
having a series of perforations ^c above the
water line and adjacent to the discharge open-
10 ing at the upper end of the trunk, substan-
tially as described.

4. In apparatus of the character described,
the combination with a water-tight tank, of
a perforated trough or screen suspended

therein, a water-tight trunk connected with 15
said trough or screen, said trunk having its
upper end provided with a discharge opening
and with openings for the admission of steam
and being formed separate from the body of
the trunk, and suitable conveyer mechanism 20
for advancing the articles to be cleaned and
scalded through said trough or screen and
through said trunk, substantially as de-
scribed.

JOHN BAKER.

Witnesses:

GEO. P. FISHER, Jr.,
ALBERTA ADAMICK.

[Endorsed]: No. 201. U. S. Court, Nor. Dist. of
Cal. Dfts. Exhibit "D." Filed Mch. 28, '16. W.
B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for
the Ninth Circuit. Defendants' Exhibit "D." Filed
Jan. 5, 1917. F. D. Monckton, Clerk.

Defendants' Exhibit "E."

(No Model.)

L. CUNNINGHAM.

PRUNE SCALDING AND RINSING MACHINE.

No. 464,631.

Patented Dec. 8, 1891.

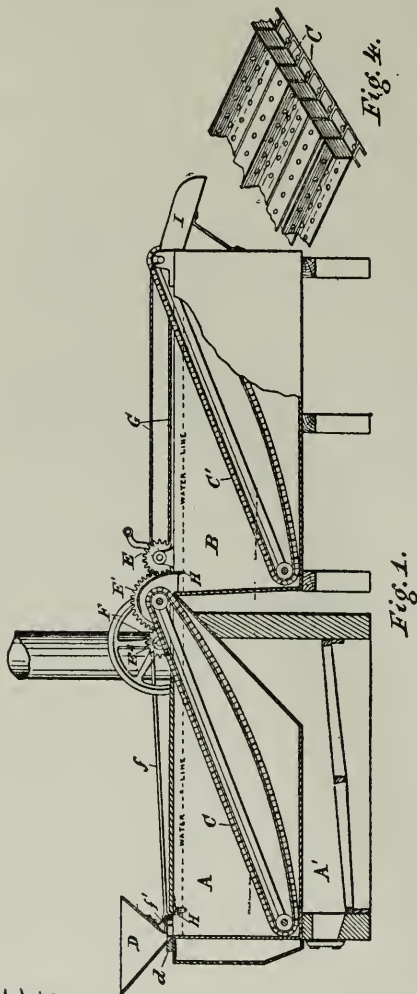


Fig. 1.

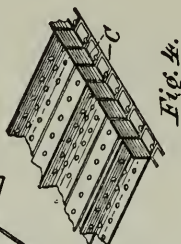


Fig. 4.

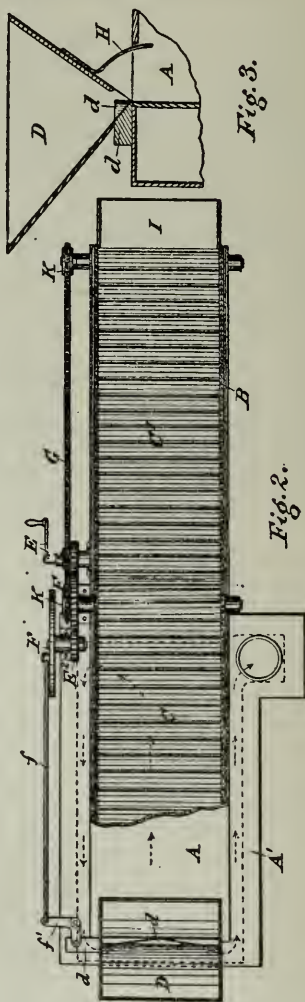


Fig. 2.

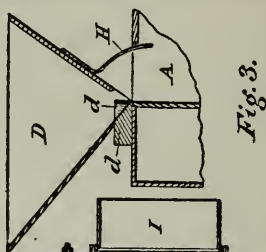


Fig. 3.

Witnesses:
Geo. W. Veffinger:
John Williams:

Inventor.
Luther Cunningham
By his Atty. W. J. Smith

UNITED STATES PATENT OFFICE.

LUTHER CUNNINGHAM, OF SARATOGA, CALIFORNIA.

PRUNE SCALDING AND RINSING MACHINE.

SPECIFICATION forming part of Letters Patent No. 464,631, dated December 8, 1891.

Application filed October 3, 1889. Serial No. 325,889. (No model.)

To all whom it may concern:

Be it known that I, LUTHER CUNNINGHAM, a citizen of the United States, residing at Saratoga, in the county of Santa Clara and State of California, have invented a new and useful Prune-Scalding and Rinsing Machine, of which the following is a specification.

My invention consists, essentially, of one or more traveling carriers, a bath or baths of water through which the carrier conducts the fruit, suitable means for heating the water, and other details of construction which will be more fully described hereinafter.

The object of my invention is to provide a machine for scalding and rinsing prunes during the course of their preparation, simple in construction and continuous and efficient in operation. I attain these objects by means of the devices illustrated in the accompanying drawings, in which—

Figure 1 is a sectional elevation. Fig. 2 is a plan view. Fig. 3 is a detail of feed-hopper; Fig. 4, a perspective view of portion of chain carrier.

Referring to the drawings, A is the scalding-tank. A' is the furnace; B, washing or rinsing tank; C, chain carrier in scalding-tank; C', chain carrier in rinsing-tank; D, feed-hopper; d, shaking-feeder; E, power device; E', pinion; E², gear; F, shaking-feeder-operating crank; f, shaking-feeder-connecting rod; f', shaking-feeder bell-crank; G, driving-chain; H H, splash-boards; I, discharge-chute; K, sprocket-wheels.

The construction of my device is as follows: Two tanks A and B, containing water, are provided, preferably contiguous, one of which is provided with a furnace or other suitable device for heating the water. The hot-water tank is provided with an inclined conveyer or carrier C, the lower end of which commences at the front end of the tank. It extends beyond the rear end and projects over the front end of the cold-water tank B. The cold-water tank is provided with a similar inclined conveyer or carrier C', the lower end of which commences at the front end of the tank directly below the rear end of the carrier C. The rear end of the carrier C' projects over the rear end of the rinsing-tank and is provided with a suitable discharge-chute. Each of these conveyers consists, preferably, of two chains

connected together by slats of suitable character for supporting and conveying the fruit. The chains pass around chain or sprocket wheels on shafts at each end of each conveyer.

Driving mechanism is provided for driving the conveyer, consisting of crank E, gear-pinion E', and gear E², secured on the shaft of conveyer C, a chain or belt G, and sprocket or other pulleys K being also provided on the end of the conveyer-shafts, which are connected and driven by chain or belt G.

A feed-hopper D is placed at the front end of the scalding-tank over the lower end of the conveyer, this hopper being provided with a shaking device d to prevent the clogging of the feed-aperture. This device is operated from the crank F through the connecting-rod f and bell-crank f'.

The operation of my device is as follows: The water in the first tank A having been heated to the desired temperature by means of the fire in the furnace A' or other suitable means, the fruit to be operated upon is dumped into the hopper D, from which it is fed in a continuous stream by means of the shaking-feeder d into the hot water in the tank. It immediately falls upon the moving carrier C, which conveys it up through the water and discharges it into the rinsing-tank B, through which it is conveyed by the conveyer C' to the discharge-chute.

Prior to my invention of this machine the scalding and rinsing of prunes have been effected by being immersed in bulk in a vessel of hot water and then removed and rinsed in a vessel of cold water, the operation being very inconvenient and requiring much labor and time, and the result being highly unsatisfactory, as the fruit is unevenly scalded, those on the outside being more thoroughly operated on than those near the center of the mass.

Having now described my invention, what I claim as new, and desire to secure by Letters Patent, is—

1. In a prune scalding and rinsing machine, the combination of two water-vessels, one of which is provided with a heating device, and a fruit-conveyer suitably placed therein that conveys fruit into the second vessel, substantially as described.

2. In a prune scalding and rinsing machine,

the combination of two water-vessels, one of which is provided with a heating device, also a fruit-conveyer suitably placed that conveys fruit into the second vessel, and a second fruit-conveyer in the second vessel that receives the fruit and carries it through the second vessel and discharges it therefrom, substantially as described.

3. In a prune scalding and rinsing machine, the combination of two water-vessels, each provided with a fruit-conveyer, one provided with a heating device, and suitable power connections for operating the conveyers, substantially as described.

4. In a prune scalding and rinsing machine, the combination of the water-vessels A and B, the fruit-conveyers C and C', the furnace

A' for heating water in vessel A, the power connections for driving the conveyers, consisting of the gears E and E', the belt G, and pulleys K K, the feed-hopper D, with its reciprocating feeder *d* connected to the power device by the bell-crank *f'*, and connecting-rod *f*, and crank F, and pinion F², and the splash boards or aprons H H, and discharge-chute I, all arranged and operating substantially as described.

In witness whereof I have hereunto set my hand.

LUTHER CUNNINGHAM.

Witnesses:

GEO. W. UEFFINGER,
JOHN WILLIAMS.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "E." Filed Jan. 5, 1917. F. D. Monckton, Clerk.

[Endorsed]: No. 201. U. S. Court, Nor. Dist. of Cal. Dfts. Exhibit "E." Filed Mch. 28, '16. W. B. Maling, Clerk.

Defendants' Exhibit "F."

No. 616,284.

Patented Dec. 20, 1898.

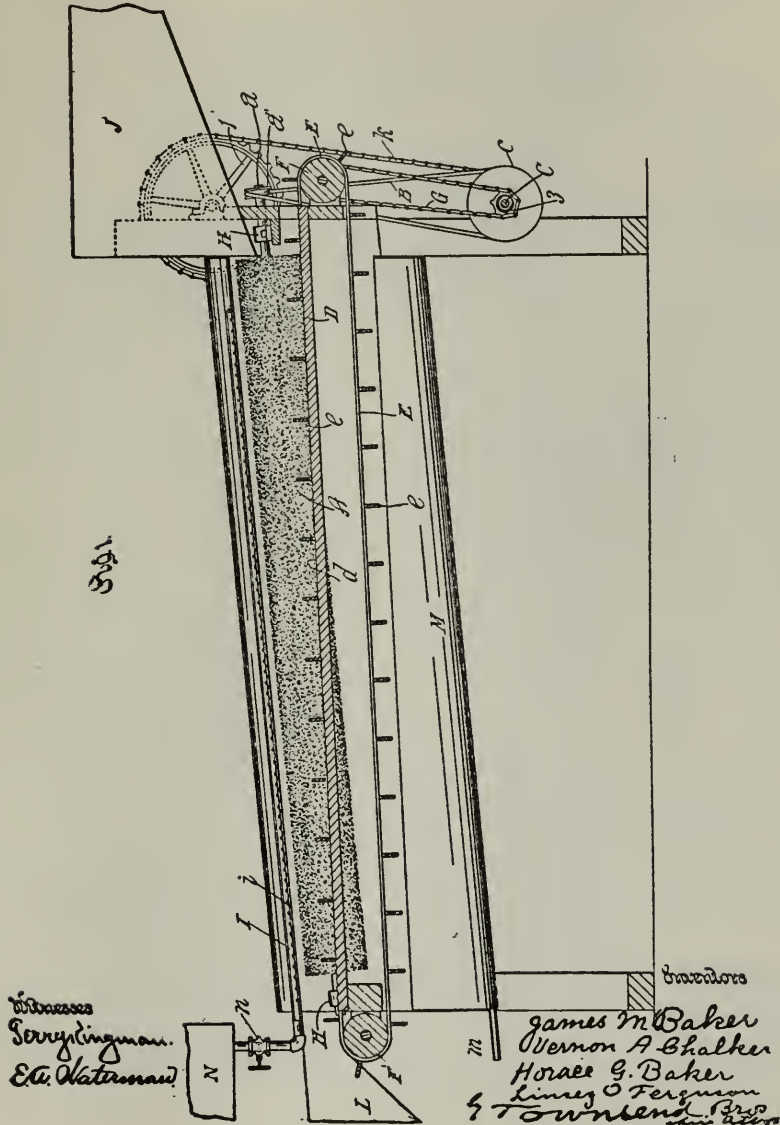
J. M. BAKER, V. A. CHALKER, H. G. BAKER & L. O. FERGUSON.

FRUIT CLEANER, BRUSHER, AND WASHER.

(Application filed Jan. 20, 1898.)

(No Model.)

2 Sheets--Sheet 1



No. 616,284.

Patented Dec. 20, 1898.

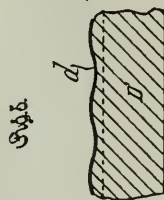
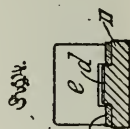
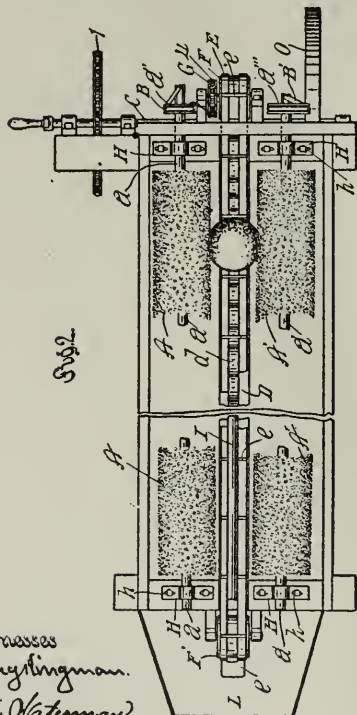
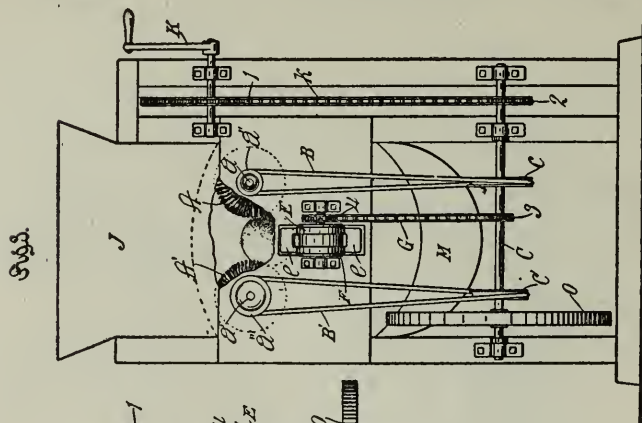
J. M. BAKER, V. A. CHALKER, H. G. BAKER & L. O. FERGUSON.

FRUIT CLEANER, BRUSHER, AND WASHER.

(Application filed Jan. 20, 1898.)

(No Model.)

2 Sheets—Sheet 2.



businesses
Everyingman.
E A Waterman?

James M. Baker
Vernon A. Chalher
Horace J. Baker
Linsley O. Ferguson
by Townsend Bros.
Their attys.

UNITED STATES PATENT OFFICE.

JAMES M. BAKER, OF GLENDORA, VERNON A. CHALKER, OF COVINA, HORACE G. BAKER, OF GLENDORA, AND LINDSEY O. FERGUSON, OF LOS ANGELES, CALIFORNIA.

FRUIT CLEANER, BRUSHER, AND WASHER.

SPECIFICATION forming part of Letters Patent No. 616,284, dated December 20, 1898.

Application filed January 20, 1898. Serial No. 667,340. (No model.)

To all whom it may concern:

Be it known that we, JAMES M. BAKER, a resident of Glendora, VERNON A. CHALKER, a resident of Covina, HORACE G. BAKER, a resident of Glendora, and LINDSEY O. FERGUSON, a resident of Los Angeles, in the county of Los Angeles and State of California, have invented a new and useful Fruit Cleaner, Brusher, and Washer, of which the following is a specification.

One object of this invention is to provide a superior, though simple, fruit-cleaning machine which will thoroughly brush and polish fruit which may require cleaning and to do this without bruising or otherwise injuring the fruit.

Another object of our invention is to provide a fruit-washing machine in which the water will not soak nor injure the brushes and which will apply the water in the most effective way. In our newly-invented fruit-cleaner the water is applied above the fruit, but not directly above the brushes. The fruit is supported by a fruit-rest between the brushes. A perforated pipe is arranged above the rest, and an endless belt with carriers is arranged to slide the fruit positively along the rest, while the brushes operate against the sides of the fruit and rotate downward and inward toward the rest. The water applied to the fruit does not drip upon the brushes. The centrifugal force of the rotating brushes prevents the water which may be squirted onto the brushes from flowing along the bristles to the body of the brushes.

Our newly-invented fruit-cleaner comprises two rotary brushes having a considerable length and arranged side by side, an endless belt provided with fruit-carriers arranged to run along lengthwise of said brushes to carry the fruits along from end to end of said brushes in contact with the peripheries of both of said brushes, means for rotating the brushes, and means for driving the endless belt. The said endless-belt with its fruit-carriers is arranged to run in a path oblique to the plane of the axes of said brushes, so

that the said belt is closer to the said plane at the tail of the machine than at the feed end of the machine, thus to readily operate upon different-sized fruits. By preference the brushes slant downward from the feed end to the tail end in order to produce this obliquity between the plane of the brushes and the plane of the carrier, and the brushes also slant toward each other toward the tail of the machine, so as to more readily clean different sizes of oranges without requiring them to be graded. The machine is adjustable within certain limits by making the boxing of the brush-shafts adjustable, so that the brushes can be placed closer or farther apart and may also be placed at a greater or less obliquity toward each other. A stationary fruit rest or support is also provided, upon which the fruit rests as it moves from one end of the machine to the other, and the endless belt of the carriers is made in two members, one on each side of said rest, and the carriers bridge over the rest from one belt member to the other.

The invention includes other features which we will hereinafter more fully point out and claim.

The accompanying drawings illustrate our invention.

Figure 1 is a longitudinal vertical mid-section of our newly-invented fruit-cleaner. Fig. 2 is a fragmental plan of the same. Fig. 3 is an elevation of the feed end of the machine. Fig. 4 is a cross-section of the fruit-rest and the carrier-belt and showing one of the carriers in elevation. Fig. 5 is a longitudinal fragmental section of the carrier on a larger scale.

A A' indicate the two rotary brushes mounted on shafts or spindles *a a'*, respectively, which carry pulleys *a'' a'''*, driven by belts B B', which are driven from a power-shaft C, which has pulleys *c c'* for driving said belts B B', respectively. The machine is geared so that one of the brushes, as at A, will be driven faster than the other brush, as at A', the diameter of the brushes being practically the same, so that the action of one of the brushes

upon the fruit is much more rapid than that of the other brush, thus to cause the fruit to rotate under the action of the brushes. The brushes may be geared to rotate in opposite directions or in the same direction, as may be desired, preferably in opposite directions toward each other and thence toward the fruit.

D indicates a fruit-rest, preferably having a wavy upper surface *d*, which is located beneath the plane of the axes of the brushes and midway between verticals drawn from said axes, so as to form the floor of a passage for the fruits, the top of which passage is formed by the two brushes. This passage-way preferably tapers from head to tail of the machine.

E indicates an endless belt provided with carriers *e*, which bridge the rest D. The belt is carried by pulleys F F', driven by a sprocket-chain G, which is driven from the power-shaft C.

H indicates the movable boxes for the brush shafts or spindles *a a'*, slots *h* being provided to allow the lateral adjustment of the brushes.

I indicates a water-pipe provided with perforations *i*, arranged in three rows, one row along the bottom and a row along each side of the bottom row, so as to direct the water downward onto the fruit and sidewise onto the brushes while the same are in operation for washing fruit.

In practical operation to brush and polish oranges dry the oranges will be fed into the hopper J, which feeds the fruit to the belt, and the brushes will be driven by the crank K or any other suitable means for applying power to the shaft C. The carriers *e* will catch the oranges and pull them along over the wavy surface *d* of the fruit-rest, and the brushes rotating in contact with the fruit will rotate the fruit, turning the top of the fruit toward the brush that turns most rapidly, and the wavy surface of the rest assists to cause the fruit to roll under the action of the brushes along the wavy surface, and in this manner the fruit is turned so that before the fruit has passed through the machine every part of the fruit will be brought into contact with the rotating brushes. The fruit finally passes out at the tail L of the machine. If it is desired to wash the fruit, water is supplied through the pipe I and squirts through the perforations *i* down onto the fruit and sidewise onto the brushes, and thence runs down into the trough M, and thence down the machine into waste-pipe *m*.

N indicates a tank for supplying water to the pipe I.

n indicates a valve for shutting off the water.

It is to be understood that the machine may be connected directly with a hydrant or any other water-supply.

O indicates a balance-wheel for the shaft C.

A sprocket-chain *k* is shown for communicating the power from the shaft K to the shaft C.

1 2 3 4 indicate the sprocket-wheels for the sprocket-chains *k* and G.

The wavy surface of the fruit-rest D is preferably covered with a strip of rubber, as clearly shown at *d* in Fig. 4.

An orange is shown in Figs. 2 and 3 in position to be brushed or washed.

Now, having described our invention, what we claim as new, and desire to secure by Letters Patent, is—

1. The combination of two rotary brushes of considerable length; an endless belt provided with fruit-carriers and arranged to run along lengthwise of said brushes in a path oblique to the plane of the axes of said brushes to carry the fruits along lengthwise of said brushes in contact with the peripheries of said brushes; means for rotating the brushes; and means for driving the endless belt.

2. The combination of two rotary brushes having considerable length; a fruit-rest having a wavy surface and extending along lengthwise of said brushes to hold the fruit in contact with the peripheries of said brushes; an endless belt provided with fruit-carriers and arranged to run along lengthwise of said brushes to carry the fruits along said fruit-rest and in contact with the peripheries of said brushes; means for rotating the brushes; and means for driving the endless belt.

3. A fruit-cleaner having two rotary brushes of considerable length arranged side by side and a fruit-support with endless belt arranged to form with the brushes a fruit passage-way tapering from head to tail of the machine, and means for rotating the brushes and driving the belt.

JAMES M. BAKER.

VERNON A. CHALKER.

HORACE G. BAKER.

LINDSEY O. FERGUSON.

Witnesses:

JAMES R. TOWNSEND,

F. M. TOWNSEND.

[Endorsed]: No. 201. U. S. Court, Nor. Dist. of Cal. Dfts. Exhibit "F." Filed Mch. 28, '16. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "F." Filed Jan. 5, 1917. F. D. Monckton, Clerk.

Defendants' Exhibit "G."

No. 610,377.

Patented Sept. 6, 1898.

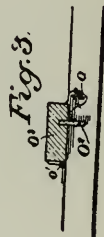
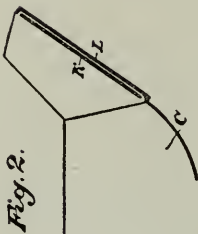
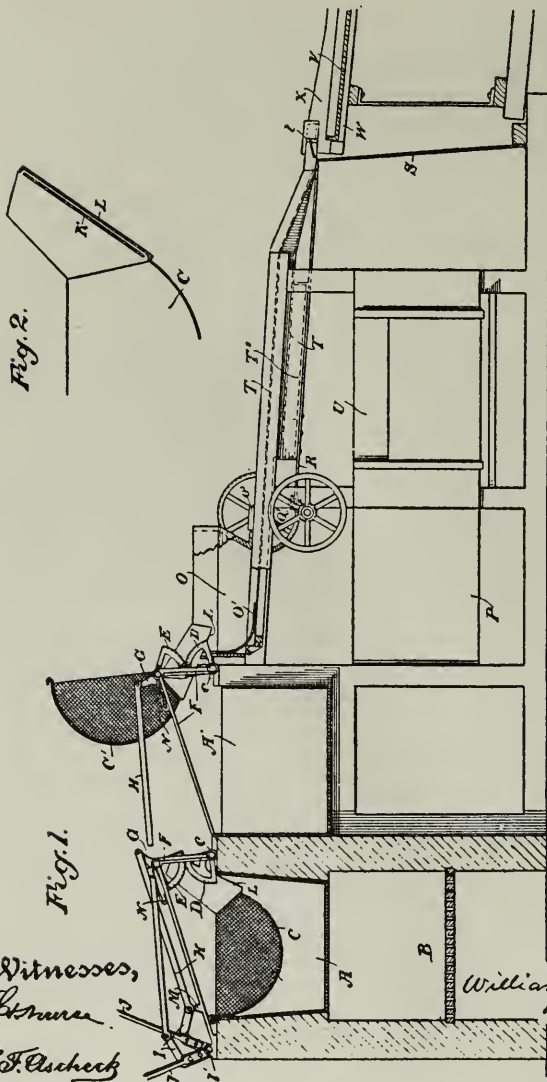
W. C. ANDERSON.

APPARATUS FOR PREPARING PRUNES FOR DRYING.

(Application filed Sept. 1, 1897.)

(No Model.)

2 Sheets—Sheet 1.



Witnesses,
John H. Ascher

Inventor,
William L. Anderson
By Dewey & Co.
attys

No. 610,377.

Patented Sept. 6, 1898.

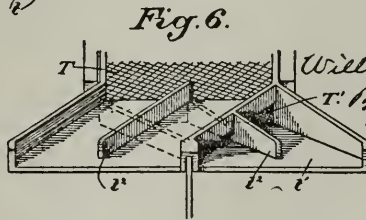
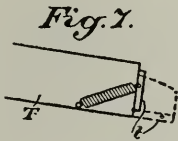
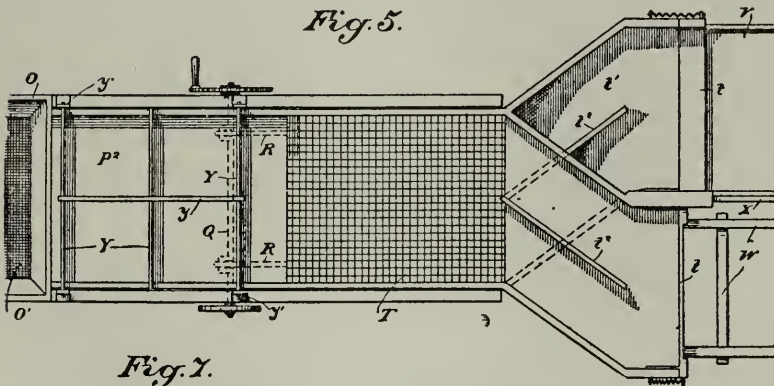
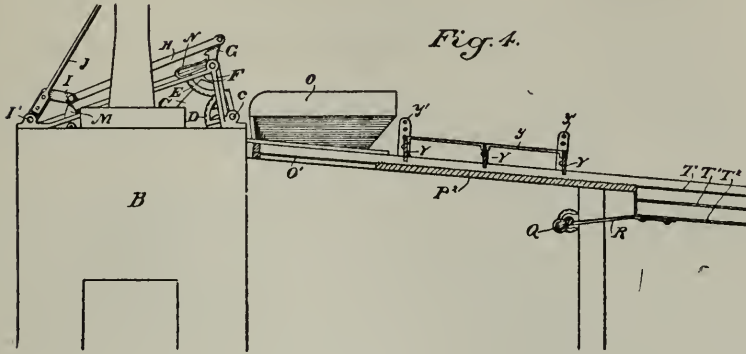
W. C. ANDERSON.

APPARATUS FOR PREPARING PRUNES FOR DRYING.

(Application filed Sept 1, 1897.)

(No Model.)

2 Sheets—Sheet 2.



Witnesses,
L. H. Hulse
J. F. Aschbeck

Inventor,
William C. Anderson
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attys

UNITED STATES PATENT OFFICE.

WILLIAM C. ANDERSON, OF SAN JOSÉ, CALIFORNIA.

APPARATUS FOR PREPARING PRUNES FOR DRYING.

SPECIFICATION forming part of Letters Patent No. 610,377, dated September 8, 1898.

Application filed September 1, 1897. Serial No. 650,218. (No model.)

To all whom it may concern:

Be it known that I, WILLIAM C. ANDERSON, a citizen of the United States, residing at San José, county of Santa Clara, State of California, have invented an Improvement in Apparatus for Preparing Prunes for Drying; and I hereby declare the following to be a full, clear, and exact description of the same.

My invention relates to an apparatus which is especially designed for the preparation of prune fruits previous to their being exposed for drying.

It consists in details of construction and arrangement which will be more fully explained by reference to the accompanying drawings, in which—

Figure 1 is a side elevation of my apparatus, showing vertical sections of the dipping-tanks. Fig. 2 is a section showing the discharge from the dipping-tanks and the liquid-returning device. Fig. 3 is a section showing the gate O^2 and attachment. Fig. 4 is a longitudinal view and partial section showing the gates used with perforator. Fig. 5 is a plan view of the same with grader and discharge-chutes. Fig. 6 is an end view of discharge-chutes. Fig. 7 is a side elevation showing discharge-gate.

The object of my invention is to provide a continuous apparatus by the use of which the fresh prune-plums are first dipped in a lye solution for the purpose of removing the bloom and sterilizing any ferment germs. Thence the fruit is delivered into a second dipping-tank and from this is delivered into a separator, where any dirt is separated from the fruit, thence to the graders or to an intermediate pricking device when the latter is used, and thence to the trays upon which the fruit is spread and conveyed to the fields for drying, the transfers being made successively and mechanically from one part to the other, so that the amount of handling of the fruit is greatly reduced and the number of operators and expense of the work is made much less than in the ordinary means employed for this class of work.

In my apparatus I have shown the first dipping-tank A set above a suitable furnace B, so that the weak solution of lye employed for the first treatment of the fruit may be kept at a boiling temperature. The use of this

weak lye is to remove the bloom, to sterilize such ferment germs as may be found upon the fruit, while not interfering with the coloring-matter or destroying the cellular tissues of the fruit, the lye also acting as a germicide by its presence upon the exterior of the fruit until the latter has begun to dry. The fruit is first delivered into a basket C, having suitable meshes to contain the fruit, and this basket is so hung that it depends into the hot solution of lye, where the fruit is allowed to remain for three or four seconds, and is then discharged into a second container or basket C' , which is in the same manner submerged in a tank A' , the solution in which may be weaker than that in the first named or may be clean water for rinsing or washing the lye from the fruit. From this second basket the fruit is again discharged into a self-feeding hopper and thence upon the pricking-platform, over which it is passed for the purpose of perforating the skins of the fruit, and thence to the grader, by which the fruit is separated into sizes, and, finally, to the drying-trays, upon which it is spread.

If the pricking device is not to be used, as is found desirable in some cases, it may be omitted and the fruit carried directly to the grader; but the apparatus is capable of operating in either way desired.

The basket C is hinged to the framework of the furnace, as shown at c, and this hinge is in such a position that when the basket is tilted it will carry the discharge edge of the basket over beyond the receiving edge of the subsequent basket C' , so that the fruit will be fairly delivered from one basket to the other.

The basket C has fixed to it a segmental pinion D, and this is engaged by a corresponding segment-rack E, which is fulcrumed in the angle of two meeting arms F, supported from the framework at the top of the furnace, as shown.

From the fulcrum-shaft of the segment E a lever-arm G extends upward and is connected by a rod H with one arm of the angular lever I. The other arm of this lever is fulcrumed to the framework, as shown at I', and a handle J extends upwardly from the angle of the lever I, so that the operator can move the apparatus by it.

610,377

The prunes, having been first delivered into the basket C and submerged in the hot lye, are immediately raised out of the lye by pulling upon the lever J, which, acting through the rod H, lever-arm G, and segments E and D, acts to tilt the basket C about its fulcrum-shaft c, so that the fruit will finally roll out into the second basket C', and when it is to be discharged from this basket the basket is operated in a similar manner by segments and levers.

When the fruit flows from the basket, more or less of the lye will drip from it, and in order to prevent this lye, which in time becomes dirty, from passing over into the second basket I have shown a table K, forming an extension or chute, over which the fruit passes, and beneath this is a pan-shaped device L, which is turned upwardly at the lower or discharge end. The table K does not reach quite to the upturned edge, so that there will be a channel left between the two, and when the table and basket have been tilted so that the fruit flows over the table to be discharged any drip from it will run down into the channel between K and L, remaining in the pan until the basket has been tilted back to its normal position of submergence within the tank A, when the lye that has fallen into this pan will be returned to the tank and prevented from passing into the second basket. The same arrangement serves to prevent the passage of the liquid from the basket C'.

The rear edge of the basket C is bent or has a border which hooks over the edge of the tank A. When the basket is submerged, a cushion M is suitably fixed with relation to the angular lever I, so that when the parts return to their place this lever will strike the cushion and be prevented from too heavy a jar.

A spring N is fixed upon the frame F, as shown, and when the basket is tilted to discharge its contents this spring strikes against a stop, which prevents too heavy a blow and checks the tilting of the basket.

When the fruit is delivered from the second basket C', it discharges into a receiver O, having a suitable screen bottom, as shown at O', and beneath this is a receiver P, into which any dirt which may be mixed with the fruit will sift through the screen and pass into the receiver P. From O the fruit may be delivered either directly upon a grader and thence to the drying-trays, or it may be first passed over a perforator and then to the grader. When it is passed over the perforator P², I employ gates, as shown at Y Y Y, connected by the bar y, and the ends of these gates are supported in standards y', having holes, so that the gates may be raised or lowered, as desired. These gates are placed directly above the perforating-table P², and they prevent the prunes from piling up so deeply that some of them will not be perforated, as all of them must pass under the

gates and will thus be perforated. From the perforator the fruit passes upon the grading-tables T T', as will be hereinafter described. 70

When the perforator is not used, I employ a gate such as shown at Fig. 3. This gate O² projects downwardly from a transverse bar O³, extending across from one side of the machine to the other. This bar is hinged, as shown at o', so that the front edge, carrying the gate O², can be raised or lowered about this hinge.

o are slotted lugs fixed to the bar O³ and extending upon each side of the grader-frames, having vertical slots made in them and thumb-screws or bolts passing through the slots, so that the gate may be raised or lowered and secured by these screws, as shown plainly in Fig. 3. In this case the graders T T', &c., will be close to the hopper O, as the perforator will have been omitted. 85

The grader has a shaking motion produced by means of a crank-arm Q upon any suitably-driven shaft, and this arm is connected by a pitman R with the shaking-frame, the latter being supported on springs S. These springs are fixed at the lower end and have the upper ends connected with the framework which is to be oscillated. The crank in turning pushes the spring-arm S forward, when it assumes a more nearly vertical position, and as the crank returns to its rearward position the spring acts to press the oscillating framework backwardly with rapidity, and by reason of its dropping from its vertical toward a more inclined position it produces a sort of tossing motion of the frame, which will advance the fruit toward the discharge end. This device is applicable to either the combined perforator and grader or to the grader alone when the perforator P² is omitted. 105

The grader consists of three superposed trays, the upper one T having the largest meshes and receiving the fruit either from the dirt-separator O' or from the perforator P² when the latter is used. 110

The oscillation of the grader causes the fruit to gradually advance toward the discharge end of each screen, where it is delivered into chutes which diverge from each other, as shown in Figs. 5 and 6, so that the fruit may be delivered from the ends of the chutes upon the parallel rows of trays arranged to receive the two grades. The larger fruit passes over the upper tray and is diverted upon one series of trays, while the next grade passes through and falls upon a second screen T', having a somewhat finer mesh, and this discharges, as shown at l', to one side of the discharge end of T, so that these two grades are thus separated at once from each other. Everything that passes through the screen T' falls upon a third screen T², and a further separation may take place at this point, the smaller fruit falling finally into a receiving-box U. From the discharge ends of the chutes the fruit passes directly upon the trays V, the flow be- 130

ing regulated by gates *t*, having springs so attached that the gates may be made to stand erect to temporarily check the flow of the fruit, and when it has accumulated sufficiently the gate is turned to a horizontal position and the fruit allowed to flow into the tray. These trays are placed on an inclined carrier *W* and are advanced as fast as they are filled with the fruit and removed and carried to the drying-place. The grade of the screen may be changed by any suitable means to regulate the flow of the fruit. As the two sets of carriers lie side by side to receive the fruit from the two discharges *T* and *T'*, there is a division-strip or partition *X* between them to keep the fruit separate.

By this apparatus I am enabled to dispense with a great number of persons who have been hitherto employed to handle the fruit, it being the custom to handle it two or three times before it goes to the drying-trays. By my apparatus the fruit is first delivered into the dipping-basket and is afterward mechanically handled and delivered from one portion of the apparatus to the other successively until it is discharged onto the drying-trays with only a single handling.

Having thus described my invention, what I claim as new, and desire to secure by Letters Patent, is—

1. An apparatus for preparing fruit for drying consisting of baskets into which the fruit is received and immersed into dipping and washing tanks, means for causing the baskets to discharge from one to the other and an extension of the discharge ends of the baskets, having a channel for conveying the drip from the discharging fruit back into its own tank.

2. An apparatus for preparing fruit for drying consisting of dipping and washing tanks, baskets mounted therein and means for tilting the baskets so as to discharge the fruit therefrom, a table over which the discharging fruit passes and a pan below the table and separated therefrom, for conveying the drip from said table back into the tanks.

3. A fruit-preparing apparatus consisting of dipping and washing tanks, baskets and means for submerging them in said tanks, a combined table and drip-pan connected with each basket, for discharging the fruit from one basket to the other and returning the drip to the tanks, a dirt-separating device for the final basket, a grading mechanism beyond the dirt-separator, means interposed between said separator and grader for regulating the flow of the fruit from one to the other, carriers for the fruit and trays mounted thereon upon which the fruit is finally delivered and spread.

4. A fruit-preparing apparatus, consisting of dipping and washing tanks, baskets and means for submerging them in said tanks, a combined table and underlying drip-pan connected with the baskets for delivering the

fruit from one to the other and for returning the drip to the tanks, a dirt-separating screen for the final basket, a perforator in line with and connected directly with the dirt-separator, a grader in line with and forming a prolongation of the discharge end of the perforator, a regulating-gate through which the fruit is delivered to the perforator and grader, means for oscillating the grader and a discharge and controlling gate through which the fruit passes and is delivered to the drying-trays.

5. In a prune-preparing apparatus, a furnace-heated tank adapted to contain caustic lye, a basket hinged upon one edge to the framework of the tank, having the opposite edge adapted to be supported so as to allow the basket to be submerged within the tank, a pinion at the hinge end of the basket and a second pinion having a lever mechanism connected with it whereby it may be rotated and the basket discharged, and a second basket into which the first-named basket discharges.

6. In a prune-preparing apparatus, a furnace-heated tank adapted to contain a dipping solution, a basket hinged at one side adapted to contain the fruit to be treated having the opposite edge so supported that the basket and contained fruit may be submerged in the tank, a mechanism whereby the basket may be tilted about this hinge-point to discharge its contents to the second part of the apparatus, a table over which the discharged fruit flows, and a pan situated beneath the table having upturned edges and a channel intermediate between it and the edge of the table whereby drippings from the fruit will pass through the channel and be arrested in the pan and returned to the tank when the basket is returned to its normal position.

7. An apparatus for preparing prune fruit consisting of a furnace-heated tank containing caustic alkali, a basket adapted to contain the fruit, hinged at one edge and having the other edge adapted to rest upon the opposite side of the tank whereby the basket and its contents may be submerged in said tank, segmental pinions, one connected with the basket, the other having a lever mechanism whereby it may be rotated and the basket discharged, and cushioned springs upon which the parts strike at the end of their movement in either direction.

8. An apparatus for preparing fruit for drying, consisting of a furnace-heated tank or tanks containing dipping and washing solutions, a basket hinged at one edge adapted to rest the opposite edge upon the framework of its tank whereby the basket and its contents are submerged, a discharge-table and drip-returning pan; a hinged segment and pinion and connected mechanism whereby the basket may be discharged and the contents delivered directly into the succeeding portion of the apparatus, a dirt-screen separator into which the fruit is received from the second

basket, a receiver for the dirt and a regulating-gate through which the fruit is discharged from the dirt-cleaner.

9. In a fruit-preparing apparatus, a fruit-receiving basket having its discharge end formed or provided with a table and pan the latter separated from the table to form a channel to convey away the drip from the fruit.

10. In a prune-preparing apparatus, dipping and washing tanks, dipping-baskets having discharge tables and drip-returning pans, a receiving-hopper with a regulating discharge-gate, a perforating-table over which the prunes are caused to pass from the hopper, and vertically-adjustable pendent gates extending across above the surface of the perforating-table.

11. In an apparatus for preparing prune fruit for drying, a furnace-heated lye-containing tank, and a second dipping-tank succeeding thereto, baskets hinged with relation to each of the tanks, the first adapted to receive the fruit and dip it into the hot alkali of the first tank, mechanism by which said basket is turned and its contents delivered into the washing-basket, means for separating the dripping from the fruit and returning it to the first tank, similar mechanism for discharging the second basket into the dirt-separating screen, a gate whereby the fruit

is delivered from said screen upon the perforating or grading table, a mechanism for shaking said table consisting of inclined spring-arms, the upper ends of which are fixed to a permanent support, and a crank-arm and connecting-pitman whereby the tables are moved upwardly and forwardly and are returned backwardly and downwardly so as to advance the fruit over them.

12. In an apparatus for preparing prune fruit for drying, the dipping and washing tanks, automatically-operated dipping and discharging baskets and connected mechanism, a discharge-table and drip-returning pan carried by the hinged end of each basket, a dirt-separating screen, shaking-tables with mechanism by which they are actuated as herein shown, said tables comprising an upper, a central and lower screen of different meshes whereby the fruit is separated, said upper and second screens discharging through diverging chutes to right and left, and trays supporting carriers in line with each, whereby the fruit is automatically graded and successively delivered upon the drying-trays.

In witness whereof I have hereunto set my hand.

WILLIAM C. ANDERSON.

Witnesses:

CHAS. A. SMITH,
T. C. BARNETT.

[Endorsed]: No. 201. U. S. Court, Nor. Dist. of Cal. Dfts. Exhibit "G." Filed Mch. 28, '16. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "G." Filed Jan. 5, 1917. F. D. Monekton, Clerk.

Defendants' Exhibit "H."**LICENSE.**

Whereas the DUNKLEY COMPANY, a corporation duly organized and existing under and by virtue of the laws of the State of Michigan, having an established and regular place of business located and situated at Kalamazoo, Michigan, is at this time the sole and exclusive owner of all right, title and interest in and to a certain invention of one Samuel J. Dunkley, which invention is set forth and described in an Application for United States Letters Patent filed in the United States Patent Office on the twenty-ninth day of November, Nineteen Hundred and Four, and bearing Serial Number 234,715, for an improvement in MACHINE FOR PEELING FRUIT and in and to all right, title and interest in the Letters Patent which may issue therefor;

And whereas the CALIFORNIA FRUIT CANNER'S ASSOCIATION, a corporation duly organized and existing under and by virtue of the laws of the State of California, having a regular and established place of business in the City and County of San Francisco, State of California, is desirous of acquiring the right to the use of the said invention in connection with its business for the canning and treatment of fruit.

Now, therefore, be it known that for and in consideration of the sum of Ten Dollars in hand paid by the CALIFORNIA FRUIT CANNER'S ASSOCIATION unto the said DUNKLEY COMPANY, the receipt whereof is hereby acknowledged, the said DUNKLEY COMPANY does hereby grant unto the

said CALIFORNIA FRUIT CANNER'S ASSOCIATION for the benefit of itself and its successors a license free of royalties of any kind whatsoever for the use of the said invention in connection with its business relative to the canning or treatment of Fruit, granting unto the said CALIFORNIA FRUIT CANNER'S ASSOCIATION the free right for the use of any Machine or Machines or invention owned or controlled by the said DUNKLEY COMPANY, making use of lye, caustic soda or any other skin softening material for use in connection with the peeling of Fruit, or in any Machine which may be necessary for the carrying out of said invention set forth in the aforesaid Application for Letters Patent, Serial Number 234,715, the said License herein granted to be for the benefit of the said CALIFORNIA FRUIT CANNER'S ASSOCIATION and its successors for the full term of years of any Letters Patent which may hereafter be granted for the invention set forth in the said Application Serial Number 234,715 now pending in the United States Patent Office.

In testimony whereof the DUNKLEY COMPANY has hereunto set its signature and official seal this 22 of May, 1914, through its proper officer thereunto first duly authorized so to do by a resolution of its Board of Directors.

DUNKLEY COMPANY.
H. DUNKLEY,

Sec.

WITNESSES:

A. E. BROWN,
E. L. DAWSON.

[Endorsed]: No. 201. U. S. Dist. Court., Nor. Dist. of Cal. Dfts. Exhibit "H." Filed Mch. 29, 1916. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "H." Filed Jan. 5, 1917. F. D. Monckton, Clerk.

Defendants' Exhibit "I"—Letter, Dated May 7, 1903, from California Fruit Canneries' Association to E. H. Kennedy.

[Letter-head of California Fruit Canners' Association.]

San Francisco, Cal., May 7, 1903.

Mr. E. H. Kennedy, Special #223.

Los Angeles, Cal.

Dear Sir:—

Convention of Superintendents.

Referring to our General Letter #116 we have decided to have a meeting of the Superintendents on May 22nd and 23rd as follows:—

May 22nd., Afternoon session 2 to 5 P. M. Heads of departments in Main Office will address convention on matters pertaining to their respective departments.

Evening session 8 to 11 p. m.

May 23rd., Morning session 9 to 12 a. m. Afternoon 2 to 5 p. m., Superintendents will be expected to have short papers on subjects of their own selection or assigned to them. We shall expect each one to enter into full discussion of any subject which may come up before the convention.

Evening session 6:30 to 11 p, m.

Please address the undersigned prior to May 10th stating the subject you wish to discuss, otherwise we will assign you one.

Very truly yours,

CALIFORNIA FRUIT CANNERS' ASSO-
CIATION,

T. B. DAWSON,

Asst. Gen'l. Superintendent.

[Endorsed]: #201. Dfts. Ex. "I" for Identification. Mch. 29, '16. W. B. M., Clerk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "I." Filed Jan. 5, 1917. F. D. Monckton, Clerk.

Defendants' Exhibit "J"—Letter, Dated August 4, 1903, from M. J. Fontana to Mr. Kennedy.

Aug. 4, 1903.

My Der M Kennedy

I intended to look How Grier & Waters are peeling their peaches but did not get the time. I therefore wish you would in some way or other find out what Sistem they use this aught to be attended to at once by some intelligent person and promptly Reported to Head office. prompt attention to above will be appreciated.

Yours truly,

M. J. FONTANA

[Endorsed]: #201—Dfts. Ex. "J" for identification. Mch. 29, 1916. W. B. M., Clk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendant's Exhibit "J," for Ident. Filed Jan. 5, 1917. F. D. Monckton, Clerk.



1168799

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Whereas GEORGE E. GRIER,
of
South Pasadena, California,

has presented to the Commissioner of Patents a petition praying for the grant of Letters Patent for an alleged new and useful improvement in

FRUIT WASHING AND BLANCHING MACHINES.

A DESCRIPTION OF WHICH INVENTION IS CONTAINED IN THE SPECIFICATION OF WHICH A COPY IS HEREUNTO ANNEXED AND MADE A PART HEREOF AND HAS COMPLIED WITH THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED, AND

Whereas UPON DUE EXAMINATION MADE THE SAID CLAIMANT IS ADJUDGED TO BE JUSTLY ENTITLED TO A PATENT UNDER THE LAW.

NOW THEREFORE THESE Letters Patent ARE TO GRANT UNTO THE SAID

George E. Grier, his HEIRS OR ASSIGNS
FOR THE TERM OF SEVENTEEN YEARS FROM THE eighteenth DAY OF
January, ONE THOUSAND NINE HUNDRED AND sixteen,

THE EXCLUSIVE RIGHT TO MAKE, USE AND VEND THE SAID INVENTION THROUGHOUT THE UNITED STATES AND THE TERRITORIES THEREOF.

In testimony whereof, I have hereunto set my hand and caused the seal of the Patent Office to be affixed at the City of Washington this eighteenth day of January, in the year of our Lord one thousand nine hundred and sixteen, and of the Independence of the United States of America the one hundred and fortieth.

J. D. Weston
Register of Patents

G. E. GRIER.

FRUIT WASHING AND BLANCHING MACHINE.

APPLICATION FILED NOV. 23, 1914.

1,168,799.

Patented Jan. 18, 1916.

2 SHEETS—SHEET 2.

Inventor,
George E. Grier,
Hazard & Starnes,
Attys.

G. E. GRIER.

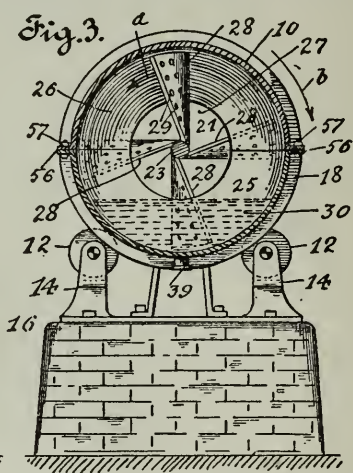
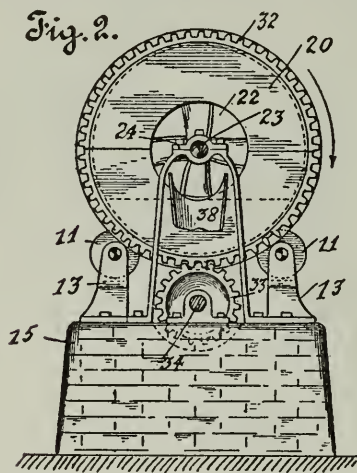
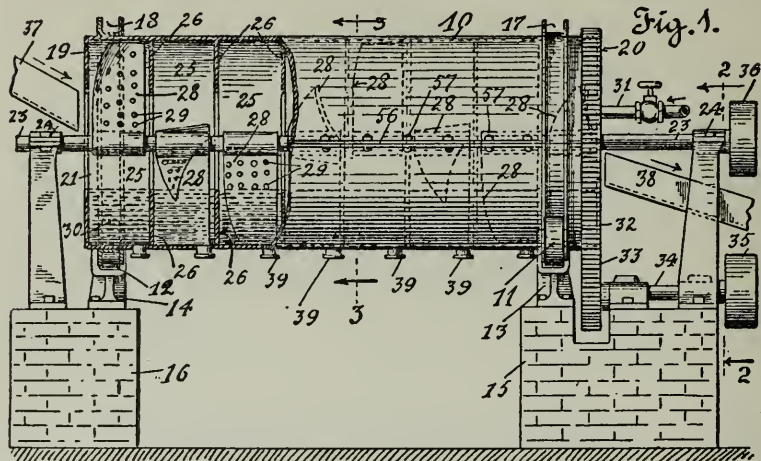
FRUIT WASHING AND BLANCHING MACHINE.

APPLICATION FILED NOV. 23, 1914.

1,168,799.

Patented Jan. 18, 1916.

2 SHEETS—SHEET 1.



Witnesses.

The Montevedo
Marguerite Bates

Inventor,

by George F. Grier,

James F. Grier
Atty.

UNITED STATES PATENT OFFICE.

GEORGE E. GRIER, OF SOUTH PASADENA, CALIFORNIA.

FRUIT WASHING AND BLANCHING MACHINE.

1,168,799.

Specification of Letters Patent.

Patented Jan. 18, 1916.

Application filed November 23, 1914. Serial No. 873,496.

To all whom it may concern:

Be it known that I, GEORGE E. GRIER, a citizen of the United States, residing at South Pasadena, in the county of Los Angeles, State of California, have invented new and useful Improvements in Fruit Washing and Blanching Machines, of which the following is a specification.

This invention relates to a fruit washing and blanching machine.

It is the object of this invention to provide a mechanism for washing and blanching fruit in which the fruit is conveyed continuously through a series of compartments and subjected to a washing or blanching action.

Another object is to provide a simple and effective means for advancing the fruit successively from one compartment to another, and whereby the fruit is moved through a body of liquid in each compartment and thoroughly agitated therein so as to insure a rapid and complete washing or blanching action.

A further object is to provide a machine of the above character which is continuous in its operation and of large capacity, so that a considerable quantity of fruit may be washed or blanched in a short time at small expense and without the use of manual labor.

The invention is illustrated in the accompanying drawings, in which:

Figure 1 is a view in side elevation of the machine, with parts broken away to show the interior construction thereof. Fig. 2 is a view in vertical section and end elevation, as seen on the line 2—2 of Fig. 1 in the direction indicated by the arrows. Fig. 3 is a view in vertical section and elevation, as seen on the line 3—3 of Fig. 1 in the direction indicated by the arrows. Fig. 4 is a view in side elevation, with parts broken away, of a modified form of the invention, illustrating same as adapted for use in blanching fruit. Fig. 5 is a plan view of the device shown in Fig. 4, with parts broken away. Fig. 6 is a view in end elevation, as seen in the direction indicated by the arrow in Fig. 5, with parts broken away.

More specifically, particular reference being had to Figs. 1, 2 and 3, 10 indicates a cylinder which is mounted to rotate on supporting rollers 11 and 12, arranged on op-

posite sides of the cylinder adjacent its ends; the rollers 11 and 12 being revolubly mounted on suitable standards 13 and 14, mounted on foundations 15 and 16 or other suitable means of support. The rollers 11 and 12 extend into annular channels 17 and 18 encompassing the outer periphery of the cylinder 10; the sides of the channels 17 and 18 engaging the sides of the rollers 11 and 12 to hold the cylinder 10 against longitudinal movement.

The ends of the cylinder 10 are formed with inner and outer end walls 19 and 20, which are formed with circular inlet and outlet openings 21 and 22. The openings 21 and 22 are formed centrally of the ends 19 and 20 and extend horizontally through the drum 10. On the axis thereof is a shaft 23, the outer ends of which project beyond the ends of the drum 10 and are revolubly mounted in suitable bearings 24.

The interior of the drum 10 is divided into a series of successive compartments 25 of any suitable number, by means of transverse partitions 26. The partitions 26 are formed with circular openings 27 corresponding to the inlet and outlet openings 21 and 22, through which openings the fruit to be washed or blanched is passed successively from one compartment to another.

Mounted on the shaft 23 and arranged in each compartment 25, is a blade 28 of a width approximate with that of the compartment 25, and of such length that its outer edge will just clear the inner periphery of the drum 10. The blades 28 are arranged in such relation to each other on the shaft 23 that the successive blades in the compartments 25 will be disposed at an angle of 90 degrees in relation to the adjacent blade, as particularly shown in Fig. 3.

The blades 28 are formed with perforations 29 and are turned on their rear edges to form dish or inclined faces which will operate when the blade 28 is advanced circumferentially through a compartment 25 to engage the fruit as the blade advances over the lower portion of the compartment and operate to eject the fruit into the adjacent compartment as the blade moves to an elevated position.

The compartments 25 are designed to receive a body of liquid 30, such as water, or chemical solutions, which may be delivered to the cylinder 10 through a supply pipe 31

extending into the discharge end thereof. If desired, the drum 10 may be partially submerged in a vat or any other suitable means may be employed whereby the lower portions of the chambers 25 will be filled with liquid to a depth corresponding to the width of the portion of the partition 26 extending between the opening 27 and the walls of the cylinder 10.

The cylinder 10 is fitted with gear teeth 32 at one end thereof, which are engaged by a driving pinion 33, on a drive shaft 34, adapted to be rotated by any suitable source of power, through a belt wheel 35 on the shaft 34. The shaft 23, carrying the blades 28, is fitted with a belt wheel 36, by means of which the shaft 23 may be rotated continuously by any suitable source of power. The shaft 23 is designed to be rotated in the direction indicated by the arrow *a* in Fig. 3, and the cylinder 10 is designed to be rotated in the reverse direction, as indicated by the arrow *b* in Fig. 3.

The fruit to be washed is delivered to the cylinder 10, through the inlet opening 21, by means of a chute 37, and after passing through the cylinder 10, as will be later described, will be delivered through the discharge opening 22, into a trough or chute 38.

In the operation of the form of the invention just described, the fruit to be washed is delivered to the end chamber 25, from the chute 37, whereupon the drum 10 is rotated in one direction and the shaft 23, carrying the blades 28, is rotated in the opposite direction. The fruit falling into the first compartment 25 is submerged in the liquid in the latter and is then picked up by the blade 28, which advances it through the liquid in opposition to a current set up in the latter by the rotation of the drum 10. As the blade 28 advances, a portion of the liquid 30 passes through the perforations 29 in the blade, thereby permitting a rush of the liquid around the fruit so as to insure a thorough action of the liquid thereon. As the fruit is advanced by the blade 28 it is lifted clear of the liquid in the first compartment and is caused to roll down the inclination of the blade 28 and to be discharged into the liquid in the adjacent compartment in front of a succeeding blade 28, which will then operate to advance the fruit through the liquid of the second compartment, discharging it into the third compartment, and so on; the blade in the outer end compartment operating to discharge the fruit into the trough 38, from which it is conveyed to any point of discharge.

If the liquid is delivered to the cylinder 10 through the supply pipe 31, the cylinder 10 is preferably disposed at a slight inclination to cause an overflow through the inlet opening 21 and the compartments 25, which are

fitted with normally closed drain openings 39, through which the liquid may be drawn off from the various compartments.

In the form of the invention illustrated in Figs. 4, 5 and 6, a cylinder 40 is rigidly mounted on standards 41 and is fitted with centrally apertured end walls 42 and partitions 43, a propeller shaft 44, carrying curved, perforated blades 45 corresponding to the blades 28, is positioned in the cylinder 40, with the blades 45 extending in a series of compartments or chambers formed by the partitions 43. In this form of the invention the liquid for treating the fruit is delivered to each of the chambers 46 through separate lead pipes 47, connecting with a supply pipe 48; regulating valves being provided with lead pipes 47, by which the liquid passing to each of the compartments 46 may be regulated. Each compartment 46 is provided with an overflow pipe 50, through which the liquid delivered to the chamber 40 is carried away. As a means for heating the liquid in each of the compartments 46, a steam pipe 51 is provided with which branch pipes leading to the compartments 46 are connected; regulating valves 53 being provided in the branch pipes 52 by means of which the supply of steam to the liquid in the chambers 46 may be controlled. The lead pipes 52 open to the interiors of the compartments 46 through the bottom of the cylinder 40. In the operation of this form of the invention the fruit is delivered to the end compartment 46 by means of a feed-chute 54 and is conveyed successively through the compartments 46 by means of the blades 45 and subjected to the action of the liquid in the compartments 46, according to the character of the fruit being handled and the results desired; the fruit being finally discharged from the opposite end of the cylinder 40 into a chute 55.

As a means for gaining ready access to the interior of the cylinders 10 and 40, they are divided into halves on their horizontal centers; the partitions 26 and 43 being likewise divided and rigidly secured to corresponding cylinder sections. The two halves of the cylinder sections are fitted with abutting flanges 56, which are connected together by means of bolts 57.

It is manifest that any kind of fruit may be introduced into the machine and subjected to the action thereof and to the liquid therein, according to the results it is desired to obtain; the apparatus shown in Figs. 1, 2 and 3, however, being especially adapted for use in removing the skin from peaches previously subjected to the action of a solution of caustic soda, while the machine shown in Figs. 4, 5 and 6 is particularly adapted for blanching purposes.

An important feature of this invention resides in the form of the blades, by means

1,168,799

B

of which the fruit may be picked up and transferred from one compartment to another without crushing or damaging the fruit, and a further important feature resides in the use of a plurality of successive chambers with a single propelling blade in each chamber, whereby the fruit will be caused to advance through a machine of any desired length in a step-by-step fashion without danger of clogging or accumulating any excessive quantities at any point throughout the length of the machine.

What I claim is:

1. A fruit treating machine comprising a cylinder having a series of compartments therein arranged in open communication with each other centrally of the cylinder and adapted to contain a body of liquid, a revoluble shaft extending through the cylinder, a series of projected screw blades of relatively great pitch offset and angularly disposed to each other mounted on said shaft, and means for rotating said shaft whereby fruit delivered at one end of the cylinder will be engaged by a blade and advanced successively from one compartment to another throughout the length of the cylinder.

2. In a fruit treating machine, a cylinder, a series of partitions in said cylinder formed with central openings, said partitions dividing the cylinder into a series of communicating compartments adapted to contain a body of liquid, a revoluble shaft extending axially of the cylinder, a series of perforated projected screw blades of relatively great pitch offset and angularly disposed to each other mounted on said shaft, one blade in each compartment, adapted on rotation of the shaft to pick up the fruit deposited in one compartment and eject it into the adjacent compartment through the opening in the partition, and whereby the fruit may be

advanced step-by-step throughout the length of the cylinder and finally discharged therefrom.

3. A fruit treating machine, comprising a rotatable cylinder having a series of compartments therein arranged in open communication with each other centrally of the cylinder and adapted to contain a body of liquid, a revoluble shaft extending through the cylinder, a series of projected screw blades of relatively great pitch offset and angularly disposed to each other mounted on said shaft, and means for rotating said shaft whereby fruit delivered at one end of the cylinder will be engaged by a blade and advanced successively from one compartment to another throughout the length of the cylinder.

4. In a fruit treating machine, a rotatable cylinder, a series of partitions in said cylinder formed with central openings, said partitions dividing the cylinder into a series of communicating compartments adapted to contain a body of liquid, a revoluble shaft extending axially of the cylinder, a series of perforated projected screw blades of relatively great pitch offset and angularly disposed to each other mounted on said shaft, one blade in each compartment, adapted on rotation of the shaft to pick up the fruit deposited in one compartment and eject it into the adjacent compartment through the opening in the partition, and whereby the fruit may be advanced step-by-step throughout the length of the cylinder and finally discharged therefrom.

In witness that I claim the foregoing I have hereunto subscribed my name this 9th day of November, 1914.

GEORGE E. GRIER.

Witnesses:

HENRIETTA E. WORKMAN,
MARGUERITE BATES.

Copies of this patent may be obtained for five cents each, by addressing the "Commissioner of Patents, Washington, D. C."

[Endorsed]: No. 201. U. S. Dist. Court, Nor. Dist. of Cal. Dfts. Exhibit "P." Filed Mch. 30, 1916. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "P." Filed Jan. 5, 1917. F. D. Monekton, Clerk.

**Defendants' Exhibit "Q"—Statement of Account
Issued by Baker Iron Works.**

[Letter-head of Baker Iron Works.]

Los Angeles, Cal., August 7, 1903.

B. I. W. Order No. 4487. Your Order No. — E. A.
Taylor.

Sold to East Side Canning Co.

1	4½ x 2¾ x 4 Duplex Worthington	
	Pump #162336	67 50
1	5" pressure gauge (steam)	3 00
1	1/3 pint single connection Detroit	
	Sight Feed Lubricator	3 75
1	1" Crane's water relief valve	5 00
1#	5/16" Jupiter packing	70
1/2#	3/16" do.	35
		<hr/>
		80 30

Terms: net 30 days.

Del'd 8/3 03.

[Endorsed]: No. 201. U. S. Dist. Court., Nor.
Dist. of Cal. Dfts. Exhibit "Q." Filed Mch. 30,
1916. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the
Ninth Circuit. Defendants' Exhibit "Q." Filed
Jan. 5, 1917. F. D. Monckton, Clerk.

175

"Dunkley's Exhibit No. 1, Photograph of
Frame of First Dunkley Machine".

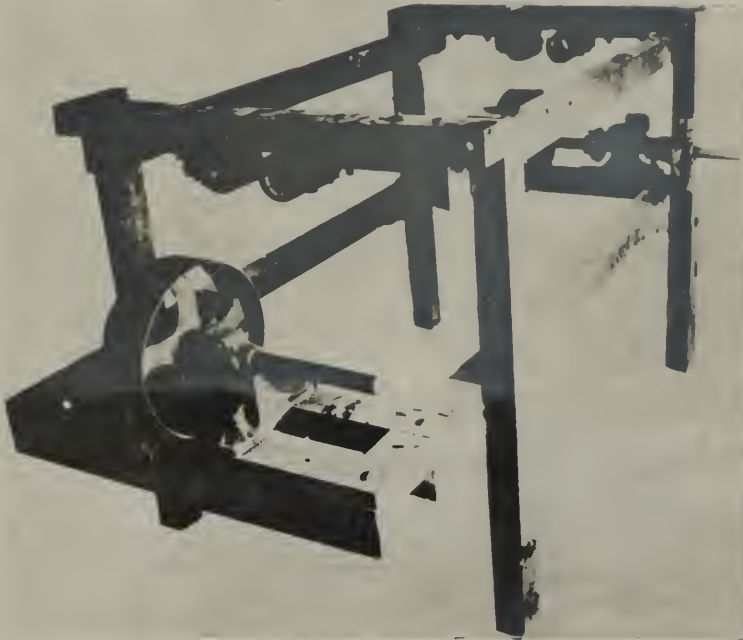
Case No. 2915

U. S. Circuit Court of Appeals
For the Ninth Circuit

Defendants Exhibit. A₁

Filed JAN 5 - 1917

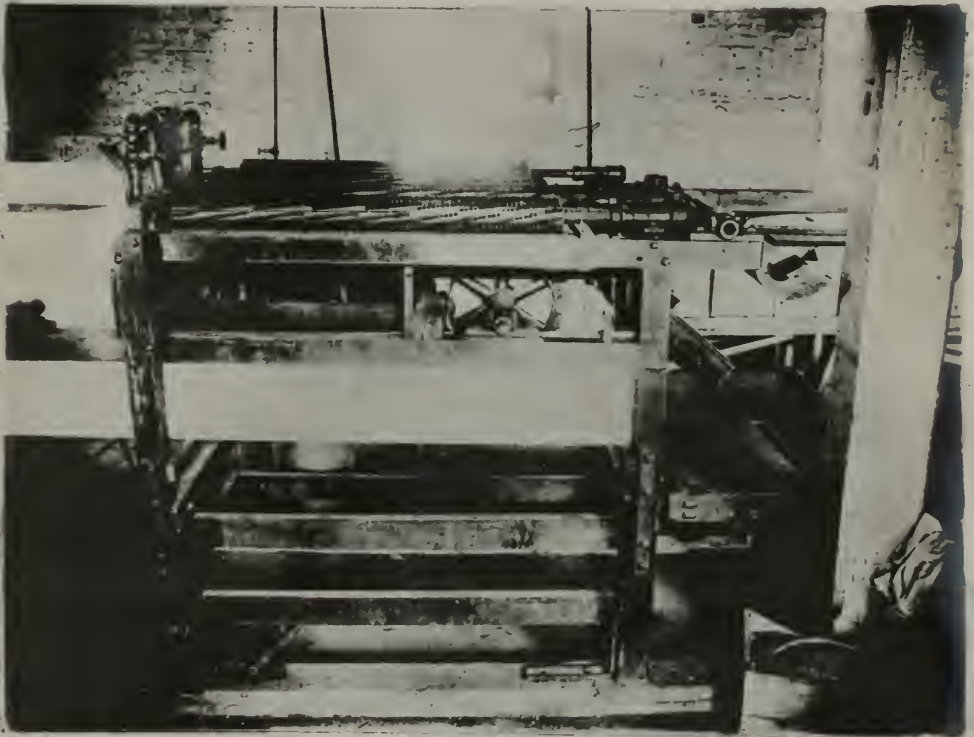
F. D. MUNCATON, Clerk





"Dunkley's Exhibit No. 2, Photograph 2
of Second Machine".

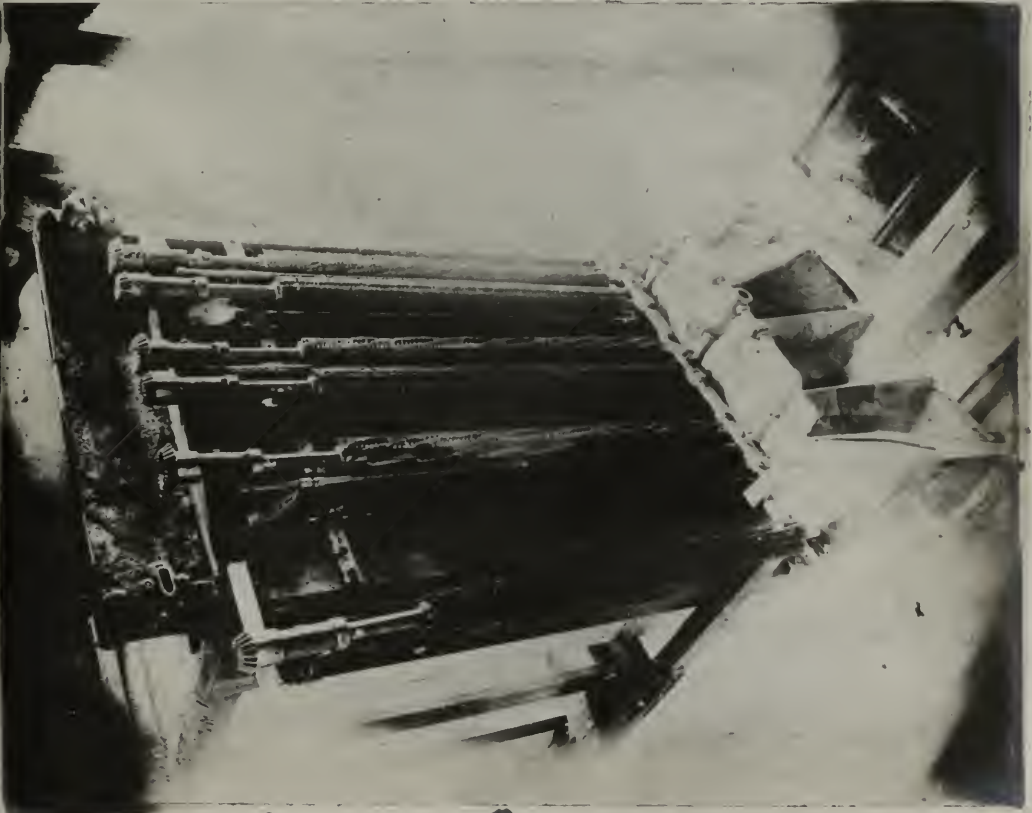
Case No. 2915
U. S. Circuit Court of Appeals
For the Ninth Circuit
Defendants Exhibit 2
Filed JAN 5 - 1917
U. S. DISTRICT COURT, D. C.



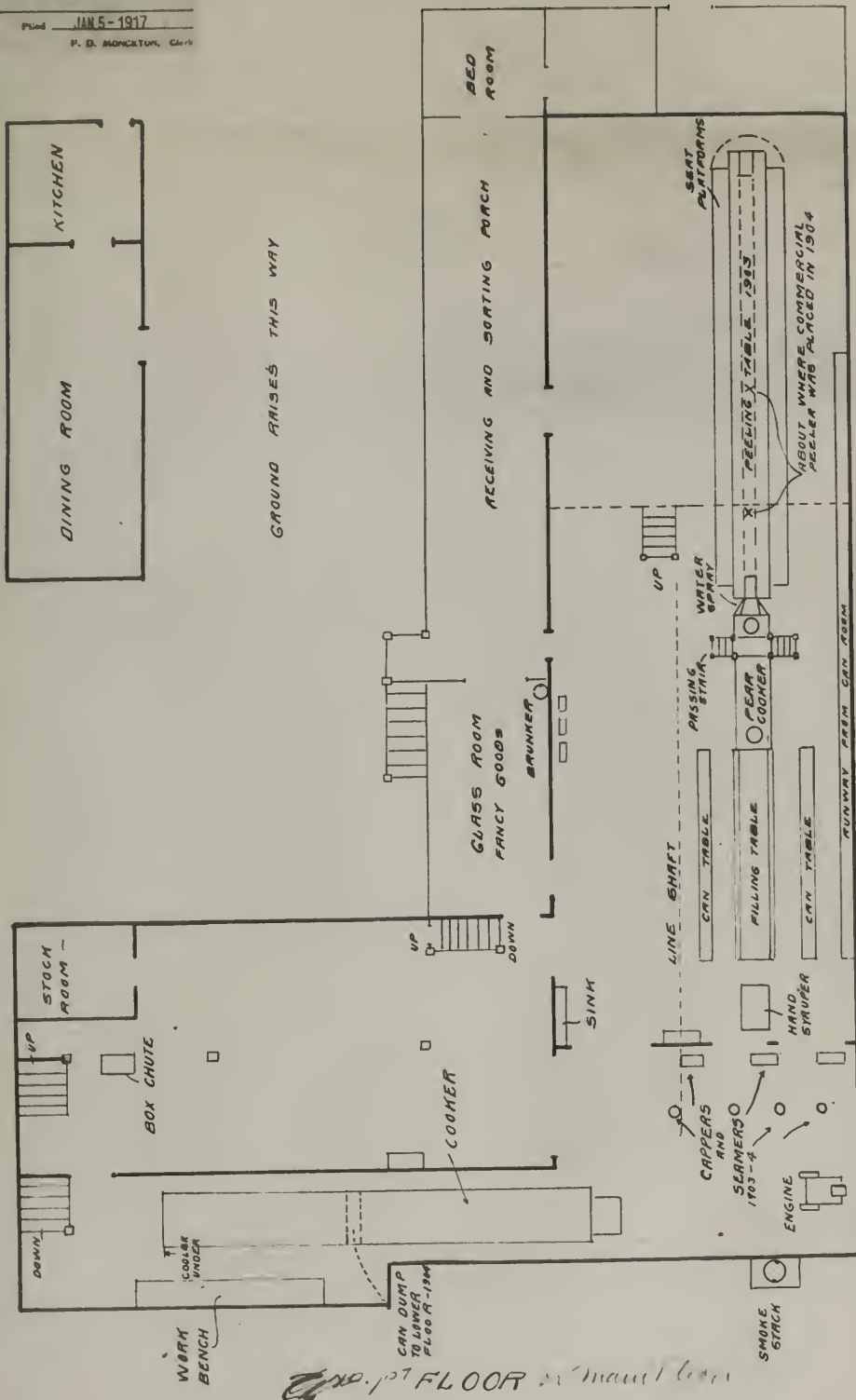
"Dunkley's Exhibit No. 2, Photograph 3
of Second Machine".

Case No. 2915U. S. Circuit Court of Appeals
For the Ninth CircuitDefendants Exhibit JFiled JAN 5 - 1917

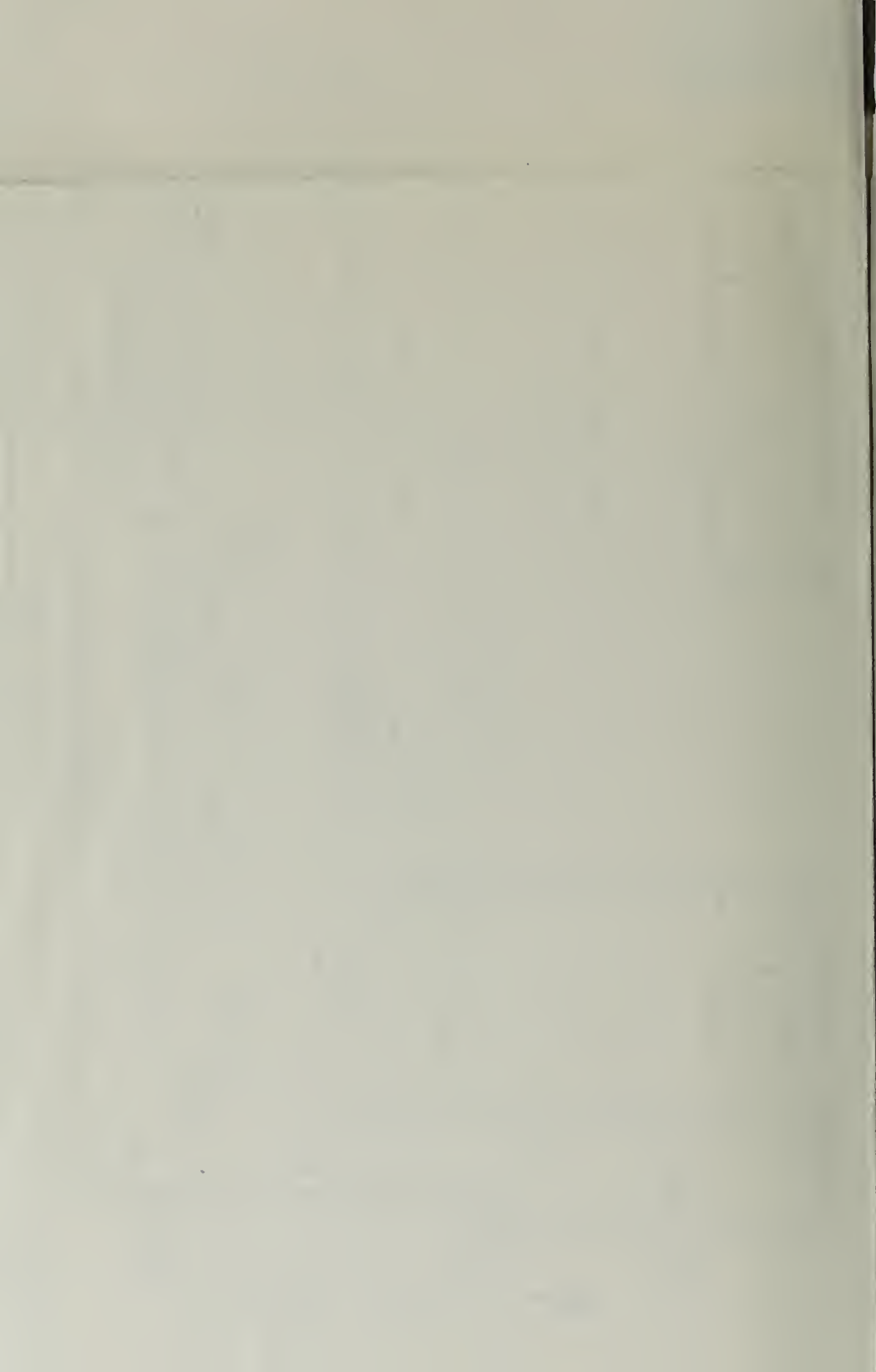
U. S. DISTRICT COURT, S. C.







2ND. 1ST FLOOR



Case No. 2015

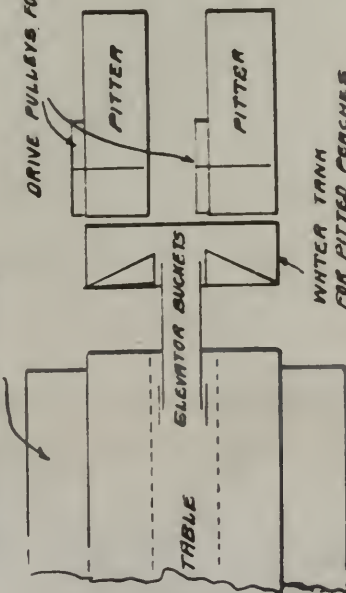
U. S. Circuit Court of Appeals
For the Ninth Circuit

Defendants Exhibit

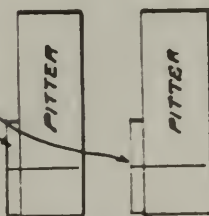
Filed JAN 5-1917

F. D. MONCKTON, Clerk

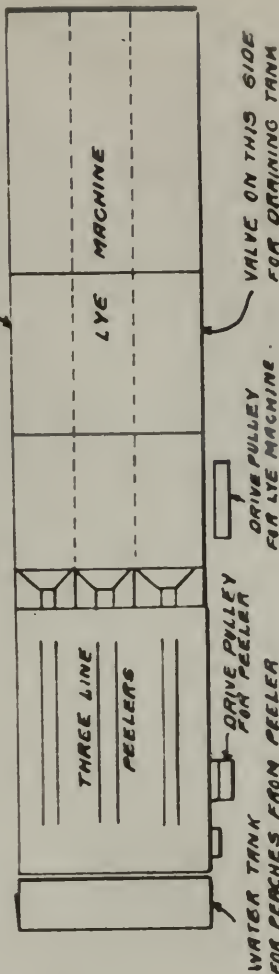
PART OF
PEELING TABLE - 1903



DRIVE PULLEYS FOR PITTERS



HEATING AND RENEWING TANK ABOVE



VALVE ON THIS SIDE
FOR DRAINING TANK

DRIVE PULLEY
FOR LYE MACHINE

DRIVE PULLEY
FOR PEELER

Defendants' Exhibit "V."



[Endorsed]: No. 201. U. S. Dist. Court, Nor. Dist. of Cal. Dfts. Exhibit "V." Filed Apr. 4, '16. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "V." Filed Jan. 5, 1917. F. D. Monckton, Clerk.

Defendants' Exhibit "W."



[Endorsed]: #201. Dfts. Ex. "W" for Identification. Maling, Clk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "W." Filed Jan. 5, 1917. F. D. Monckton, Clerk.

Defendants' Exhibit "X."



[Endorsed]: No. 201. U. S. Dist. Court, Nor. Dist. of Cal. Dfts. Exhibit "X." Filed Apr. 4, '16. W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "X." Filed Jan. 5, 1917. F. D. Monckton, Clerk.

Defendants' Exhibit "Y."



[Endorsed]: #201. Dfts. Ex. "Y" for Identification. Maling, Clk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "Y." Filed Jan. 5, 1917. F. D. Monckton, Clerk.

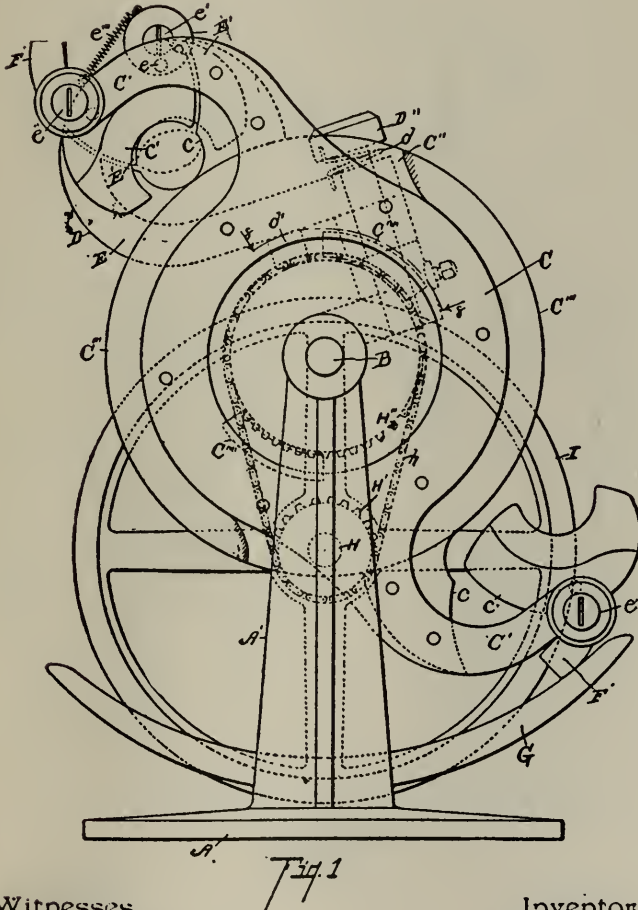
Defendants' Exhibit "Z."

No. 807,416.

PATENTED DEC. 12, 1905.

S. L. CAMPBELL.
PITTING MACHINE.
APPLICATION FILED DEC. 5, 1904.

3 SHEETS—SHEET 1.



Witnesses.

Bessie K. O'Connell
Evelyn A. Allen

Inventor.

Stewart L. Campbell
By Chappell & Earl
Att'y's

No. 807,416.

PATENTED DEC. 12, 1905.

S. L. CAMPBELL.
PITTING MACHINE.

APPLICATION FILED DEC. 5, 1904.

3 SHEETS—SHEET 2.

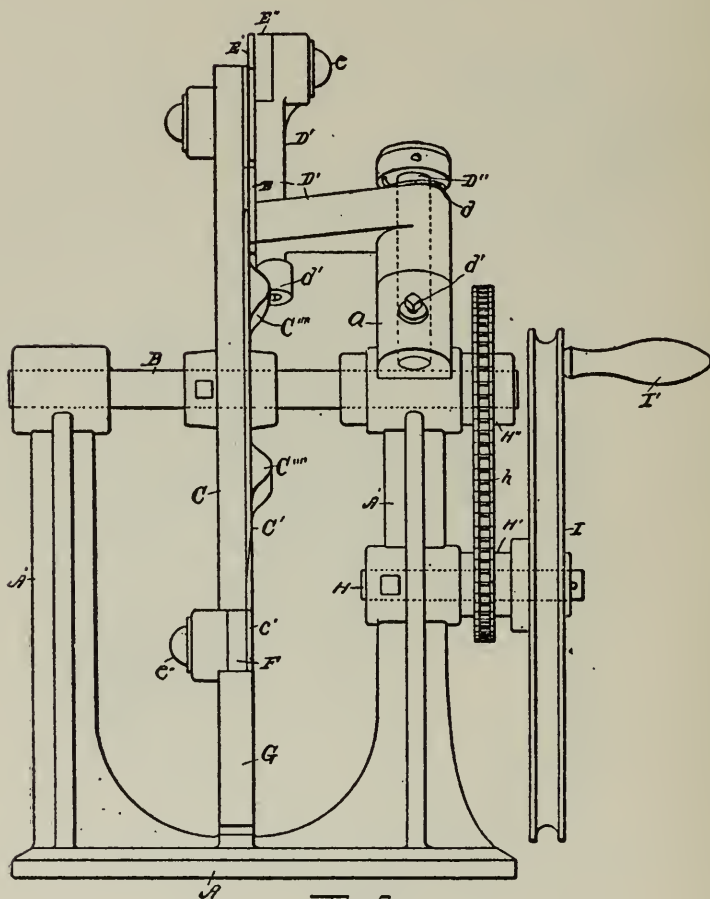


Fig. 2

Witnesses:

Bryce K. Davis
Ethel A. Teller

Inventor.

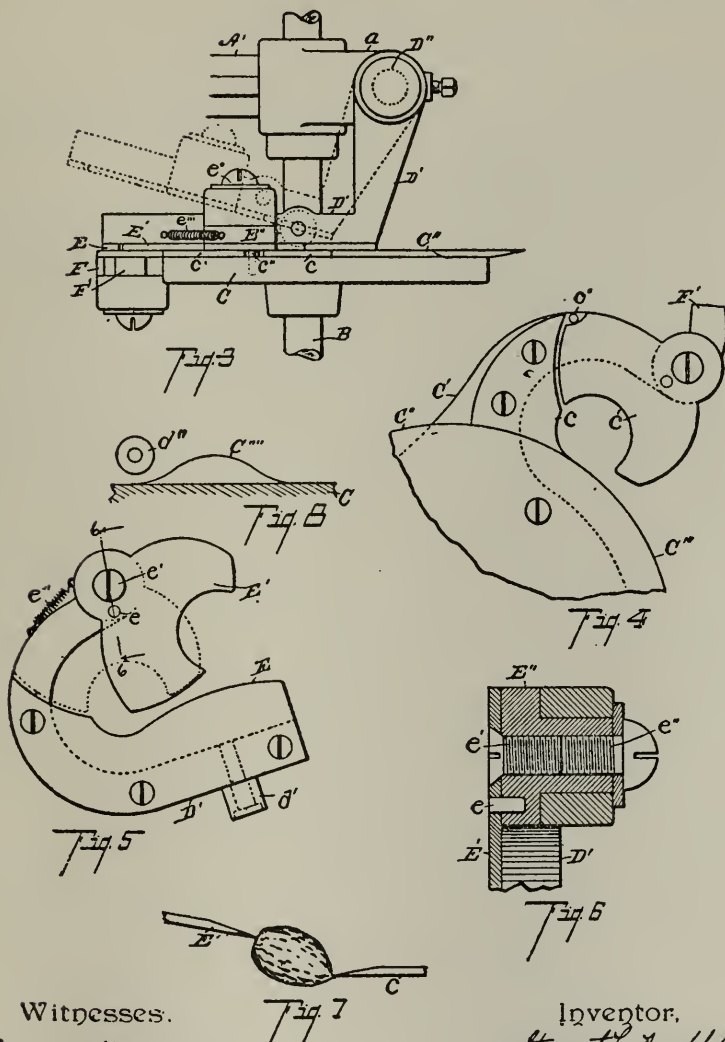
Stewart L. Campbell
By *Chappell & Earl*
Att'ys

No. 807,416

PATENTED DEC. 12, 1905.

S. L. CAMPBELL.
PITTING MACHINE.
APPLICATION FILED DEC. 6, 1904.

3 SHEETS—SHEET 3.



Witnesses.

Bessie K. Ours
Edw. A. Sells

Inventor.

Stewart L. Campbell
By Chappell & Carl
Att'y

UNITED STATES PATENT OFFICE

STEWART L. CAMPBELL, OF KALAMAZOO, MICHIGAN.

PITTING-MACHINE.

No. 807,416.

Specification of Letters Patent.

Patented Dec. 12, 1905.

Application filed December 5, 1904. Serial No. 235,588.

To all whom it may concern.

Be it known that I, STEWART L. CAMPBELL, a citizen of the United States, residing at the city of Kalamazoo, county of Kalamazoo, State of Michigan, have invented certain new and useful Improvements in Pitting-Machines, of which the following is a specification.

This invention relates to improvements in pitting-machines for peaches and like fruits.

The objects of this invention are, first, to provide an improved pitting-machine by which the pits of fruits, such as peaches, may be removed without tearing or bruising the pulp; second, to provide an improved pitting-machine for peaches and like fruits which is simple and convenient to use and of large capacity; third, to provide an improved pitting-machine for peaches and like fruits which is simple and economical in structure and durable in use.

Further objects and objects relating to structural details will definitely appear from the detailed description to follow.

I accomplish the objects of my invention by the devices and means described in the following specification.

The invention is clearly defined and pointed out in the claims.

A structure embodying the features of my invention is clearly illustrated in the accompanying drawings, forming a part of this specification, in which—

Figure 1 is a side elevation view of my improved fruit-pitting machine looking from the left of Fig. 2. Fig. 2 is a front elevation view of my improved fruit-pitting machine. Fig. 3 is a detail plan view, the movement of the swinging knife-carrier being indicated by dotted lines. Fig. 4 is a detail side elevation view showing one of the pivoted knives *c'* in its inner position. Fig. 5 is a detail side elevation view of the swinging knife-carrier with the knives in position thereon. Fig. 6 is an enlarged detail sectional view, taken on a line corresponding to line 6 6 of Fig. 5 looking in the direction of the little arrows at the ends of the section-lines, showing the manner of securing the pivoted knives. Fig. 7 is an enlarged detail view showing how the pits are engaged by the knives and the twisting movement which is imparted thereto. Fig. 8 is a detail sectional view showing the cams carried by the revolving knife-carrier C for engaging the pivoted knife-carrier, taken on the curved

line 8 8 of Fig. 1 looking in the direction of the little arrows at the ends of the section-line.

In the drawings similar letters of reference refer to similar parts throughout the several views.

Referring to the drawings, A is the base of the machine, on which are upwardly-projecting standards A'. Mounted in suitable bearings, which are carried by these standards, is a shaft B. A knife-carrier C, having forwardly-curved arms C', is mounted on this shaft. The shaft B is provided with a suitable sprocket-wheel H', which is connected to the sprocket-wheel H' on the hub of the grooved pulley I by the chain k. The pulley I is mounted on the spindle H, projecting from one of the standards A'. If desired, the machine may be operated by means of the handle l' on the pulley I.

A circular disk C'', having knives C''' formed thereon, is secured on the side of the knife-carrier C. Outwardly and forwardly curved knives *c* are secured to the arms C' of the knife-carrier, so that they form continuations of the knives C'''. Inwardly-facing curved knives *c'* are pivoted to the ends of the arm C'. When these knives *c'* are in their inner position, they form continuations of the knives *c*. (See Fig. 4.) Stops *c''* are provided to limit the inward movement of these knives *c'*.

A bracket *a* projects upwardly from the right-hand standard A'. The swinging knife-carrier D is pivoted on the journal D', carried by this bracket. A spring *d* is connected to the arm D' and to the journal D', on which it is pivoted. This journal is adjustably secured in the bracket *a* by means of the set-screw *d'*, so that by adjusting the journal the tension of the spring *d* may be controlled. The pivoted knife-carrier D is provided with a rearwardly-projecting outwardly-curved arm D'. (See Fig. 5.) This arm when the carrier is in its normal position lies alongside of the disk C''. (See Figs. 2 and 3.) Secured on the inside of this arm D' is a knife E, having a compoundly-curved cutting edge. The curvature of the forward portion of this knife corresponds to the curvature of the knives C'''. The knives E' and C''' are sharpened on opposite faces, so that when they are in contact they form a single cutting edge.

An inwardly-facing curved knife E' is pivoted on the arm D' of the swinging knife-carrier. This knife when in its inner position forms a continuation of the knife E. (See

807,416

Fig. 5, where the same is shown in its inner position by dotted lines.) A spring e''' is secured to the pivoted knife E and the supporting-arm D' therefor, so that the pivoted knife is normally held in its outer position. The pivoted knife E' is secured to the sleeve E'', which is arranged through a suitable boss on the arm D' by the pin e.

A pair of oppositely-arranged set-screws e' secure the parts together. The inner ends of the set-screws e' engage and serve to lock each other. The knives e' are pivoted in substantially the same manner.

The operation of the device is as follows: The peach to be pitted is placed upon a knife C'', preferably at the seam of the peach. The peach is carried forward by the knife until it is engaged by the knives E E'. It is then slipped along on the knife C'' until it is engaged by the pivoted knife e' . These knives also cut into the pulp of the peach. When the pit is reached, it closes or forces the pivoted knives to their inner positions, in which positions, coacting with the fixed knives, the pit of the peach is entirely surrounded and the pulp practically entirely severed, the pit being engaged by the pivoted knives E' and e' , as is illustrated by dotted lines in Fig. 1. As the forward movement of the revolving knife-carrier is continued the pivoted knife-carrier is swung backward and outward, thus giving the pit a twist and releasing the pulp therefrom. If desired, the halves of the pulp may be grasped at this point by the operator and laid into pans or trays, or they may be permitted to drop. The continued movement of the rotary knife-carrier brings the cams C''' into engagement with the rollers d'' on the swinging knife-carrier, throwing the same rearwardly to release the pit. These cams are double cams, so that the swinging arm is returned to its normal position in an easy manner and without noise. In the revolution of the revolving knife-carrier the arms F on the pivoted knives e' are engaged by the curved plate G, which returns the knives to their outward position. (See Fig. 1.)

My improved pitting-machine is very desirable, as the pits are removed without bruising or tearing the pulp, which is of course very desirable and of very great advantage. The same is very convenient to operate and is of large capacity. I have illustrated and described the same in detail in the form preferred by me on account of its simplicity in structure and operation. I am, however, aware that it is capable of very great structural variation without departing from my invention.

Having thus described my invention, what I claim as new, and desire to secure by Letters Patent, is—

1. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier;

outwardly-curved knives e secured to said arms C' forming continuations of the knives C''' of said disk; inwardly-facing curved knives e' pivoted on said arms C', forming, when in their inner position, continuations of the said knives e ; a curved plate arranged beneath said revolving knife-carrier; arms on said pivoted knives e' adapted to engage said plate as they are carried forward, when they are returned to their outer positions; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a spring adapted to return said pivoted knife-carrier to its normal position; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D' forming, when in its inner position, a continuation of said knife E; a spring adapted to hold said knife E' normally outward; a roller on said pivoted knife-carrier; and cams on the face of said disk C'' adapted to engage said roller, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

2. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon secured to said carrier; outwardly-curved knives e secured to said arms C' forming continuations of the knives C''' of said disk; inwardly-facing curved knives e' pivoted on said arm C', forming, when in their inner position, continuations of the said knives e ; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a spring adapted to return said pivoted knife-carrier to its normal position; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D' forming, when in its inner position, a continuation of said knife E; a spring adapted to hold said knife E' normally outward; a roller on said pivoted knife-carrier; and cams on the face of said disk C'' adapted to engage said roller, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

3. The combination of a revolubly-mounted knife-carrier C having curved arms C' thereon; a circular disk C'' having knives C''' formed thereon secured to said carrier; outwardly-curved knives c secured to said arms C' forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arm C', forming, when in their inner position, continuations of the said knives c; a curved plate arranged beneath said revolving knife-carrier; arms on said pivoted knives c adapted to engage said plate as they are carried forward, whereby they are returned to their outer positions; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a spring adapted to return said pivoted knife-carrier to its normal position; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D' forming, when in its inner position, a continuation of said knife E; a spring adapted to hold said knife E' normally outward, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

4. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier; outwardly-curved knives c secured to said arms C' forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arms C', forming, when in their inner position, continuations of the said knives c; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a spring adapted to return said pivoted knife-carrier to its normal position; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D' forming, when in its inner position, a continuation of said knife E; a spring adapted to hold said knife E' normally outward, said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

5. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier; outwardly-curved knives c secured to said arms C' forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arms C', forming when in their inner position, continuations of the said knives c; a curved plate arranged beneath said revolving knife-carrier; arms on said pivoted knives c adapted to engage said plate as they are carried forward, whereby they are returned to their outer positions; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a spring adapted to return said pivoted knife-carrier to its normal position; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D' forming, when in its inner position, a continuation of said knife E; a roller on said pivoted knife-carrier; and cams on the face of said disk C'' adapted to engage said roller, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

6. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier; outwardly-curved knives c secured to said arms C' forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arms C', forming, when in their inner position, continuations of the said knives c; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a spring adapted to return said pivoted knife-carrier to its normal position; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D' forming, when in its inner position, a continuation of said knife E; a roller on said pivoted knife-carrier; and cams on the face of said disk C'' adapted to engage said roller, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide

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the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

7. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier; outwardly-curved knives c secured to said arms C', forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arms C', forming, when in their inner position, continuations of the said knives c; a curved plate arranged beneath said revolving knife-carrier; arms on said pivoted knives c adapted to engage said plate as they are carried forward, whereby they are returned to their outer positions; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a spring adapted to return said pivoted knife-carrier to its normal position; a compoundly-curved outwardly-facing knife E secured to the arm D' of the said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D', forming, when in its inner position, a continuation of said knife E, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

8. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier; outwardly-curved knives c secured to said arms C' forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arms C', forming, when in their inner position, continuations of the said knives c; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a spring adapted to return said pivoted knife-carrier to its normal position; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D', forming, when in its inner position, a continuation of said knife E, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

9. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms

C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier; outwardly-curved knives c secured to said arms C' forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arms C', forming, when in their inner position, continuations of the said knives c; a curved plate arranged beneath said revolving knife-carrier; arms on said pivoted knives c adapted to engage said plate as they are carried forward, whereby they are returned to their outer positions; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D', forming, when in its inner position, a continuation of said knife E; a spring adapted to hold said knife E' normally outward; a roller on said pivoted knife-carrier; and cams on the face of said disk C'' adapted to engage said roller, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

10. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier; outwardly-curved knives c secured to said arms C', forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arms C', forming, when in their inner position, continuations of the said knives c; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D', forming, when in its inner position, a continuation of said knife E; a spring adapted to hold said knife E' normally outward; a roller on said pivoted knife-carrier; and cams on the face of said disk C'' adapted to engage said roller, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

11. The combination of a revolubly-mount-

ed knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier; outwardly-curved knives c secured to said arms C' forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arms C', forming, when in their inner position, continuations of the said knives c; a curved plate arranged beneath said revolving knife-carrier; arms on said pivoted knives c adapted to engage said plate as they are carried forward, whereby they are returned to their outer positions; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D', forming, when in its inner position, a continuation of said knife E; and a spring adapted to hold said knife E' normally outward, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

12. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier; outwardly-curved knives c secured to said arms C', forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arms C', forming, when in their inner position, continuations of the said knives c; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D', forming, when in its inner position, a continuation of said knife E; and a spring adapted to hold said knife E' normally outward, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

13. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier; outwardly-curved knives c secured to

said arms C' forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arms C', forming, when in their inner position, continuations of the said knives c; a curved plate arranged beneath said revolving knife-carrier; arms on said pivoted knives c, adapted to engage said plate as they are carried forward, whereby they are returned to their outer positions; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; an inwardly-facing curved knife E' pivoted on said arm D', forming, when in its inner position, a continuation of said knife E; a roller on said pivoted knife-carrier; and cams on the face of said disk C'' adapted to engage said roller, the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

14. The combination of a revolubly-mounted knife-carrier C having forwardly-curved arms C' thereon; a circular disk C'' having knives C''' formed thereon, secured to said carrier; outwardly-curved knives c secured to said arms C' forming continuations of the knives C''' of said disk; inwardly-facing curved knives c' pivoted on said arms C', forming, when in their inner position, continuations of the said knives c; a pivotally-supported knife-carrier D having a rearwardly-projecting arm D' thereon, said arm lying, when in its normal position, in a plane substantially parallel to that of said disk; a compoundly-curved outwardly-facing knife E secured to the arm D' of said pivoted knife-carrier, said knife E, when said knife-carrier is in its normal position, being adapted to rest against said disk and its forward portion corresponding to the curvature thereof; and an inwardly-facing curved knife E' pivoted on said arm D' forming, when in its inner position, a continuation of said knife E', the said knives on the revolving knife-carrier coacting with the knives on the swinging carrier to divide the pulp of the peach and to loosen the pit therefrom, for the purpose specified.

15. The combination of a revolubly-mounted knife-carrier; an outwardly-facing curved knife secured thereto; an inwardly-facing curved knife pivoted on said carrier; a pivotally-supported knife-carrier; a spring adapted to return said pivoted knife-carrier to its normal position; an outwardly-facing curved knife carried by said pivoted knife-carrier, adapted to rest against the fixed knife of the

revolving carrier when said pivoted carrier is in its normal position; an inwardly-facing curved knife pivoted on said swinging knife-carrier, the knives of said revolving and swinging carriers coacting to divide the pulp of the peach and to engage the pit thereof; and a cam carried by said revolving knife-carrier, adapted to engage the swinging knife-carrier as the said revolving knife-carrier is revolved, for the purpose specified.

16. The combination of a revolvibly-mounted knife-carrier; an outwardly-facing curved knife secured thereto; an inwardly-facing curved knife pivoted on said carrier; a pivotally-supported knife-carrier; an outwardly-facing curved knife carried by said pivoted knife-carrier, adapted to rest against the fixed knife of the revolving carrier when said pivoted carrier is in its normal position; an inwardly-facing curved knife pivoted on said swinging knife-carrier, the knives of said revolving and swinging carriers coacting to divide the pulp of a peach and to engage the pit thereof; and a cam carried by said revolving knife-carrier, adapted to engage the swinging knife-carrier as the said revolving knife-carrier is revolved, for the purpose specified.

17. The combination of a revolubly-mounted knife-carrier; an outwardly-facing curved knife secured thereto; an inwardly-facing curved knife pivoted on said carrier; a pivotally-supported knife-carrier; a spring adapted to return said pivoted knife-carrier to its normal position; an outwardly-facing curved knife carried by said pivoted knife-carrier, adapted to rest against the fixed knife of the revolving carrier when said pivoted carrier is in its normal position; and an inwardly-facing curved knife pivoted on said swinging knife-carrier, the knives of said revolving and swinging carriers coacting to divide the pulp of a peach and to engage the pit thereof, for the purpose specified.

18. The combination of a revolubly-mount-
45 ed knife-carrier; an outwardly-facing curved
knife secured thereto; an inwardly-facing
curved knife pivoted on said carrier; a pivot-
ally-supported knife-carrier; an outwardly-
facing curved knife carried by said pivoted
50 knife-carrier, adapted to rest against the fixed
knife of the revolving carrier when said piv-
oted knife-carrier is in its normal position; and
an inwardly-facing curved knife pivoted on
said swinging knife-carrier, the knives of said
55 revolving and swinging carriers coating to
divide the pulp of a peach and to engage the
pit thereof, for the purpose specified.

19. The combination of a revolvably-mounted knife-carrier; an outwardly-facing relatively fixed knife carried thereby; an inwardly-facing knife pivoted on said carrier; a pivotally-supported knife-carrier; a spring adapted to return said pivoted knife-carrier to its normal position; an outwardly-facing relatively fixed knife carried by said pivoted

knife-carrier, adapted to rest against the fixed knife of the revolving carrier when said pivoted carrier is in its normal position; an inwardly-facing knife pivoted on said swinging knife-carrier, the knives of said revolving and swinging carriers coacting to divide the pulp of a peach and to engage the pit thereof; and a cam carried by said revolving knife-carrier, adapted to engage the swinging knife-carrier as the said revolving knife-carrier is revolved, for the purpose specified.

20. The combination of a revolubly-mounted knife-carrier; an outwardly-facing relatively fixed knife carried thereby; an inwardly-facing knife pivoted on said carrier; a pivotally-supported knife-carrier; an outwardly-facing relatively fixed knife carried by said pivoted knife-carrier, adapted to rest against the fixed knife of the revolving carrier when said pivoted carrier is in its normal position; an inwardly-facing knife pivoted on said swinging knife-carrier, the knives of said revolving and swinging carriers coacting to divide the pulp of a peach and to engage the pit thereof; and a cam on said revolving knife-carrier, adapted to engage the swinging knife-carrier as the said revolving knife-carrier is revolved, for the purpose specified.

21. The combination of a revolubly-mount-
ed knife-carrier; an outwardly-facing rela- 95
tively fixed knife carried thereby; an in-
wardly-facing knife pivoted on said carrier;
a pivotally-supported knife-carrier; a spring
adapted to return said pivoted knife-carrier
to its normal position; an outwardly-facing 100
relatively fixed knife carried by said pivoted
knife-carrier, adapted to rest against the fixed
knife of the revolving carrier when said piv-
oted carrier is in its normal position; and an
inwardly-facing knife pivoted on said swing- 105
ing knife-carrier, the knives of said revolving
and swinging carriers coacting to divide the
pulp of a peach and to engage the pit thereof,
for the purpose specified.

22. The combination of a revolubly-mount-
ed knife-carrier; an outwardly-facing rela-
tively fixed knife carried thereby; an in-
wardly-facing knife pivoted on said carrier;
a pivotally-supported knife-carrier; an out-
wardly-facing relatively fixed knife carried
by said pivoted knife-carrier, adapted to rest
against the fixed knife of the revolving knife-
carrier when said pivoted knife-carrier is in
its normal position; and an inwardly-facing
knife pivoted on said swinging knife-carrier,
the knives of said revolving and swinging car-
riers coacting to divide the pulp of a peach
and to engage the pit thereof, for the purpose
specified.

23. The combination of a movably-supported knife-carrier; an outwardly-facing relatively fixed knife carrier thereby; an inwardly-facing knife pivoted on said carrier; a pivotally-supported knife-carrier; an outwardly relatively fixed knife carrier by said

5 pivoted knife-carrier, adapted to rest against the fixed knife of the first-mentioned carrier, when said pivoted knife-carrier is in its normal position; and an inwardly-facing pivoted knife on said swinging knife-carrier, all of said knives coacting to divide the pulp of the peach and to engage the pit thereof, and impart a twisting motion thereto; for the purpose specified.

10 24. The combination of a movably-supported knife-carrier; knives carried thereby; a second knife-carrier, capable of swinging relatively to the first-named knife-carrier; knives
15 carried by said second carrier; and means for operating the carriers, whereby their knives

divide the pulp and engage and impart a twist to the pit, for the purpose specified.

25. The combination of a pair of knife-carriers arranged to swing relatively to each other; knives carried by said carriers; and 20 means for swinging the carriers to cause their knives to enter the pulp and engage and twist the pit relatively to the pulp.

In witness whereof I have hereunto set my hand and seal in the presence of two witnesses. 25

STEWART L. CAMPBELL [L. S.]

Witnesses:

AMELIA J. ALBER,
OTIS A. EARL.

[Endorsed]: No. 201. U. S. Dist. Court, Nor. Dist. of Cal. Dfts. Exhibit "Z." Filed Apr. 4, '16.
W. B. Maling, Clerk.

No. 2915. U. S. Circuit Court of Appeals for the Ninth Circuit. Defendants' Exhibit "Z." Filed Jan. 5, 1917. F. D. Monckton, Clerk. *B.O.*